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MEMOIRS

BY

GENERAL WILKINSON.

VOL. III.

MEMOIRS

OF

MY OWN TIMES.

BY

GENERAL JAMES WILKINSON.

——— Remember that the ways of Heaven,
Though dark, are just: that oft some guardian power,
Attends unseen, to save the innocent!
But if high Heaven decrees our fall—O let us
Firmly await the stroke; prepared alike
To live or die.

BROWN'S BARBAROSSA.

For patriots still must fall for statesmen's safety,
And perish by the country they preserve.

SAVAGE.

IN THREE VOLUMES.

VOL. III.

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MEMOIRS

BY

GENERAL WILKINSON.

CHAPTER I.

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Exordium.

THIS volume will display, to the reader, the closing scenes of my persecutions, contrived by a remorseless minister, to prop his sinking popularity, and support his pretensions to the Presidential chair; the secretary was hated by the President, yet to cross the vindictive purposes, of a man impatient of power, would have produced discord in the cabinet, which is to be avoided at any sacrifice, of men, or principles; this motive concurring, with the well known subserviency, of President Madison, to Secretary Armstrong, prevailed over a sense of justice and public duty. He abandoned the high, and solemn obligations of official trust, conferred on him by his fellow-citizens; and sooner than oppose his authority, to the tyranny and improvidence of the minister, with unpardonable apathy, he consented to the destruction of a faithful public officer, grown grey in the service, and permitted the conflagration of the national capitol, without a struggle, *finis coronat opus!*

The proceedings which took place, in that wanton and scandalous attack, upon my military conduct and private character, will be recorded as they occurred; with notes explanatory, to elucidate the subject, and the correction of such obvious errors and omissions, as appear on the face of the copy in my possession.

Proceedings of a General Court Martial, convened at York House, in the village of Utica, and state of New York, by virtue of the following General, and Supplementary Orders, issued from the Department of war.

GENERAL ORDERS.

General Order appointing a court martial.

"*Adjutant & Inspector General's Office, Washington, 18th Nov.* 1814.

"A general court martial, for the trial of Major-general James Wilkinson, will assemble, at some suitable

place in the village of Utica, and state of New York, on the 3d of January next.

"The court will be composed as follows:

President.

Major-general H. Dearborn.

Members.

Major-general M. Lewis,
Major-general George Izard,
Brig. Gen. J. Bloomfield,
Brig. Gen. J. P. Boyd,
Brig. Gen. D. Bissel,
Brig. Gen. E. W. Ripley,
Col. J. Simonds, 5th inf.
Col. P. P. Schuyler, 13th inf.
Col. R. Purdy, 4th inf.
Col. J. Kingsbury, 1st inf.
Col. Jas. Burn, light dragoons,
Col. D. Brearly, 15th inf.

Supernumeraries.

Col. Denny M'Cobb, 45th inf.
Col. George M'Feely, 25th inf.
Lieut. Col. William S. Talmadge, 46th inf.

Evert A. Bancker—*Army Judge Advocate.*

"By order of the secretary of war.

"JOHN R. BELL, *Insp. Gen.*"

First Supplementary GENERAL ORDER.

"*Adjutant & Inspector General's Office. November 25th*, 1814. Supplementary General Order.

"Brigadier-general Moses Porter, is detailed as a member of the general court martial, for the trial of

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Major-general Wilkinson, in lieu of Major-general Izard,* who will remain in command of the army, near Buffaloe.

"By order of the secretary of war.

"D. PARKER, *Adjt. & Insp. Gen.*"

Second Supplementary GENERAL ORDER.

Second supplementary General Order.

"*Adjutant & Inspector General's Office.*
December 2, 1814.

"Brigadier-general John Chandler, is detailed as a member of the general court martial, ordered to convene at Utica, in the state of New York, on the 3d of January next, for the trial of Major-general Wilkinson, in lieu of Brigadier-general John P. Boyd,

"By order,

"D. PARKER, *Adjt. & Insp. Gen.*"

York House, Utica, Jan. 3*d*, 1815.

Agreeably to the preceding general orders, the members assembled at York House, in the village of Utica, and by the addition of the several supernumeraries, the court was organised as follows:

Constitution of the court.

President.

Major-general H. Dearborn.

Members.

Major-general M. Lewis,
Brig. Gen. Moses Porter,
Brig. Gen. John Chandler,
Brig. Gen. D. Bissel,
Col. J. Simonds, 5th inf.
Col. P. P. Schuyler, 13th inf.

* This officer, from his professional knowledge and experience, his lofty mind, and inflexible honour, was anxiously desired by the prisoner, as one of his judges.

Col. J. Kingsbury, 1st inf.
Col. J. Burn, light dragoons.
Col. D. Brearly, 15th inf.
Col. D. M'Cobb, 45th inf.
Col. G. M'Feely, 25th inf.
Lieut. Col. S. Talmadge, 46th inf.

Evert A. Bancker—*Judge Advocate.*

The orders constituting the court having been read, Major-general James Wilkinson next appeared, [and being questioned thereto, made no exception to the court, and professed his readiness for trial.*] But, it being represented by the judge advocate, that certain documents essential to the prosecution, had not been received from the war department, and further, that no witnesses attended, on the part of the United States, the court adjourned to Friday, the 6th of January instant, 10 *o'clock, A. M.*

General Wilkinson professes his readiness to proceed—judge advocate moves an adjournment.

York House, Utica, Jan. 6th, 1815.

The court convened pursuant to adjournment. The following order was produced and read.

GENERAL ORDER.

"*Adjutant & Inspector General's Office, December 17th,* 1814.

"Major-general Dearborn, president of the general court martial, ordered to convene at Utica, on the 3d of January next, is authorised to adjourn said court to meet and hold its session, at Albany, or Troy, in the state of New York.

"By order.

"D. PARKER, *Adjt. & Insp. Gen.*"

* Omitted by the judge advocate.

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Adjournment and removal of the court to Troy.

Whereupon a majority of the members advising a removal, and it also appearing, that the judge advocate, for want of the necessary documents, and witnesses, was not prepared to proceed with the prosecution; the president adjourned the court, to meet at some suitable place in the village of Troy, and state of New York, on Monday the 16th day of January, inst. at 12 o'clock, A. M.

Court House, Troy, Jan. 16th, 1815.

The court convened pursuant to adjournment.

Major-general James Wilkinson, of the United States army, appeared; and being asked, if he objected to any of the members, whose names were severally called, replied in the negative.

Whereupon the prescribed oaths were administered to the president, and members of the court, and to the judge advocate.

Appearance of Martin Van Beuren esq. as special judge advocate.

Martin Van Beuren, esquire, next appeared, and produced his WARRANT, from the war department, to officiate as SPECIAL JUDGE ADVOCATE, before this court, in the words and figures following, viz.

"*Adjutant & Inspector General's Office, December 14th,* 1814.

"Sir,

War office appointment of special judge advocate.

"You have been appointed SPECIAL JUDGE ADVOCATE, of the general court martial, ordered to convene at Utica, in the state of New York, on the 3d of January next, for the trial of Major-general Wilkinson, of the United States army. E. A. Bancker, esquire, ARMY JUDGE ADVOCATE, has been assigned to this duty, and will *be directed to report to you,* and furnish such papers and information as he may have relative to the case, and *receive your* DIRECTIONS,* in the necessary preparations

* Thus the legitimate officer was made subordinate to an assistant,—the deputy placed above the principal,—rightful authority degraded, and the regular course of proceedings innovated. I had warned the adjutant and inspector general, of the illegality of this

of the charges, &c. He will also aid you in the trial, as assistant judge advocate. I have to request, that you will signify your acceptance, or non acceptance of this appointment. In case of acceptance, you will make the necessary arrangements for the trial. A rough draft of specifications of charges, have been furnished to Mr. Bancker, which will be subject to such alterations and amendments, as you may find necessary. General Wilkinson will be advised of your appointment, and referred to you for such further information, as he may require relative to the trial.

"By order of the secretary of war.

"I have the honour to be, &c.

"D. PARKER, *Adjt. & Insp. Gen.*

"*Martin Van Beuren esq.*
Hudson, New York."

The warrant having been read, Major-general Wilkinson, objected to the admission of a special* judge ad-

appointment, and had called on the secretary of war, to give him the same notification; but he was absent, and my time would not allow me to wait for him; I therefore left a message for him, and a reference to the articles of war, which were opposed to this appointment, of *special judge advocate*, with Lieutenant-colonel M'Pherson, and Mr. Tench Ringgold, whom I found at the war office; nevertheless, as a minister must not recede from his purpose, however destructive of the public interests, or ruinous to individuals, the same gentleman, who had been illegally imposed on General Hull, was also appointed to assist at my trial.

* In this case there was an attempt to trample upon the principles of justice, and to pervert the ordinary course of judicial proceedings. The prisoner had been furnished in November, 1814, by order of the President, with the charges and specifications, on which he had been arrested, and to which he was to plead, and these had previously undergone several changes and modifications; but now in January, 1815, after the malice and ingenuity of Gen. Armstrong, and his co-adjutors, had been exhausted, and the prisoner is brought up for trial, he is given to understand, that an extra officer has been appointed, to the court, with extraordinary and illegal powers, to make such alterations and amendments, as he might deem necessary. This is recorded

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vocate, as unauthorised and illegal; submitting to the court, the following observations, as the grounds of his objections, viz.

General Wilkinson objects to the appointment as illegal.

"The undersigned, James Wilkinson, being duly sensible that the rights of a soldier, even, *in this government of laws,* are few; and that deprived of these, the *garb of honour,* will be converted into a *badge of servility;* is impelled by the *duty of his station,* which, imperiously requires of him, not only to maintain his own *rightful pretensions,* but, as far as may be in his power, to preserve those of his *brethren in arms;* especially, at a time, when *war exists,* and a large portion of his *fellow-citizens,* may be necessarily transformed into *soldiers;* most respectfully objects, to the admission of Martin Van Beuren esq., to appear and act, before *the general court martial, as a special judge advocate;* and in support of this objection, he with great deference submits, the following facts, and reasons, to the consideration of the court.

"1st—Because a special judge advocate, is unknown *to the law,* and therefore is *unauthorised.*

"2d—Because E. A. BANCKER ESQ. JUDGE ADVOCATE, *duly appointed by the President of the United States,* "*by and with the* ADVICE *and* CONSENT OF THE SENATE," is present to perform the duties of said office; and the law does not allow, more than one person at the same time, to act as judge advocate, before a general court martial, for the prosecution of any *real* or *supposed* offence.

"3d—Because the said judge advocate, E. A. Bancker esq. was by THE PRESIDENT OF THE UNITED STATES, through the agency of *his secretary of war,* (THE HONOURABLE JAMES MONROE) specially designated, to act in the capacity of judge advocate, in the case before you, as appears by the letter, of Colonel John R. Bell, inspector-general, bearing date, the 18th day of November,

among the minor instances of the trembling solicitude, with which President Madison, regards the laws of his country, and the rights of his fellow-citizens.

1814. A general order, of the same date, and the copy of a letter from Daniel Parker, adjutant and inspector-general, to the said E. A. Bancker esq. army judge advocate, bearing date the 2d day of December, 1814; herewith presented.

"4th—Because, since the act of Congress, passed on the 11th day of January, 1812, *the President of the United States*, except when in actual service, in a military capacity, *has not power, to appoint any person to act as a judge advocate, without* "THE ADVICE AND CONSENT OF THE SENATE," while that Senate is in session, which is, and has been the case, for more than two months; inasmuch, as the constitution of the United States ordains, that while said Senate is in session, the President shall nominate, and by, and with the advice and consent of the Senate, shall appoint all officers, except in those cases, where Congress may vest the President, with power to appoint inferior officers; and it does not appear, that the Congress has invested the President, with the power to appoint a judge advocate, in this, or any other case; inasmuch as, the 21*st section of the act*, fixing the military peace establishment, of the United States, passed *on the* 16*th day of March*, 1802, is virtually, and by operation of law, repealed, by the 19*th section of the act*, entitled an act, to raise an additional military force, *passed on the* 11*th day of January*, 1812. It must be observed, that the act, fixing the military peace establishment, of the United States, did not make any provision, for the regular appointment of a judge advocate, to be attached to the staff of the army; and to remedy the defect of the same, *in the* 21*st section of the said act*, power is given, *not only to the President of the United States*, but, "*to the Brigadier-general*," or to the *president of the court*, whenever a *general court martial shall be ordered*, to appoint some fit person, to act as judge advocate. When the reason, for which this power was granted, ceased, viz. on the passage of the act of the 11*th January*, 1812, authorising the appointment of judge advocates, with it ceased, the power

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itself. Now the 19*th section of the act of the* 11*th January*, 1812, peremptorily, ordains that there shall be appointed to each division, a judge advocate. This statute was obligatory on the President, and he did, accordingly, "by and with the advice and consent of the Senate," appoint several judge advocates, and among them E. A. Bancker esq. The 21*st section of the act of the* 16*th March*, 1802, *vested the President with power*, to appoint *some fit person, to act as judge advocate;* but *the* 19*th section of the act of January*, 1812, *created the office of judge advocate.* Now, therefore, it would be absurd to suppose, that *the* 19*th section of the act of January*, 1812, did not virtually, and of itself, necessarily, repeal, annul and abrogate, *the* 21*st section of the act of the* 16*th March*, 1802; since, otherwise, two contradictory powers of appointment, would exist, one *with*, and one *without*, the *advice of the senate*, precisely in the same case. Such a doctrine would be alike opposed to common sense, and to law; every affirmative statute, being, by implication, a repeal of any preceding affirmative statute, so far as it is contrary thereto; prior are abrogated by posterior laws; but was this doctrine admitted, a president of the United States might, under the *last law*, make *sinecure births*, whilst under the *first act*, he might *destroy the functions of the legitimate judge advocate*, in each particular case, thereby extending his *prerogative* at his *discretion;* and should it be the future destiny of our country, to have a VINDICTIVE TYRANT, in place of a WISE and VIRTUOUS MAN, at the head of its government, he may exercise his authority, to *wreak* his *vengeance* on every unfortunate MILITARY MAN, who may *incur his displeasure.*

"5th.—Because, the said Martin Van Beuren esquire. is a citizen of the state of New York, and a senator of the same, and in no way connected with, or attached to the army; nor does he hold any office, or commission. whatsoever from the United States. Wherefore, should it even be conceded, that *the* 21*st section of the act of the* 16*th March*, 1802, was in force, still, the aforesaid Van Beuren, would not be eligible to act, as judge advocate,

because that section expressly confines, the President of the United States, the brigadier-general, or the president of the court, *to select such acting judge advocate, from persons belonging to the public service.* This fact is clearly demonstrated, by that part of the aforesaid section, which ordains that the person *acting as judge advocate,* shall be allowed, *in addition to his other pay, one dollar and twenty-five cents, for every day he shall be necessarily employed, in the duties of the said court:* he must, therefore, be a person, who, independent of this allowance, *of one dollar and twenty-five cents per diem, receives a fixed and known sum for his services,* from the government. As Mr. Van Beuren, is not of this character, he did not, and does not, come within the designation of those persons, from whom the executive might have made a selection. In other words, *the President did not possess* CONSTITUTIONAL, OR LEGAL POWER, *to appoint him, to act as judge advocate in this case;* though he had, *"by and with the advice and consent of the senate,"* to appoint him a judge advocate for the army. Could a doubt remain, as to the description of persons, from whom the President might select one, to act as judge advocate, under the said act, of *the 16th of March,* 1802; or who, in other language, was *meant by the person,* who shall receive, while so employed, *one dollar and twenty-five cents, in addition to his other pay,* such doubt would be removed, by *the 19th section of the act of January,* 1812; which ordains, that *if a citizen,* not belonging to the public service, *is appointed judge advocate,* he shall receive *the pay and emoluments of a major in the infantry;* but if *taken from the line of the army,* he shall *receive thirty dollars per month, in addition to his pay.* It is, therefore, evident that under the act, of *the 16th March,* 1802, the President could not appoint MR. VAN BEUREN, because he did not *belong to the public service,* and cannot, therefore, receive one dollar and twenty-five cents per day, in addition to his other pay; and that he could not appoint him, under the act of the 11th of January, 1812, because the act, does not authorise the appointment of a judge advocate, for a *particular case;* and

Reasons why the President could not appoint Mr. Van Beuren.

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because Mr. Van Beuren, has not been *nominated* to, and *approved by the senate.*

"6th.—Because, by the 69th article, of the rules and articles of war, it is enacted, that the *judge advocate*, or some *person deputed by him*, or by the *general*, or *officer* commanding the *army*, *detachment* or *garrison*, shall prosecute in the name of the United States. We find some obscurity in this article, yet a fair explanation, and full interpretation, will dispel every doubt, and remove every difficulty. It is necessary to remark, that at the time of the enactment of the rules and articles of war, April 10, 1806, our army consisted of the military peace establishment, of the *16th March*, 1802; it was commanded by a single general officer, he a brigadier, and the corps was frittered into detachments, and garrisons, scattered throughout the national limits. To meet the exigencies of the service, and to enforce the principles of subordination, and discipline, with promptitude and effect, under such a dispersion of the troops, the general commanding the army, and colonels commanding great districts, were authorised to appoint general courts martial, and, of course, judge advocates; hence the singular phraseology, in *the 21st section* of the act of *the 16th March*, 1802, "*the brigadier-general*, and the *president of the court*;" and in the article under consideration, "the *general* or *officer commanding* the *army*, *detachment* or *garrison*."

"But by no interpretation, however strained, can the GENERAL be made to imply, the President of the United States. Referring, particularly, to the 69th article of war, we find that the *judge advocate*, "OR *some person deputed by him*," not the *judge advocate*, AND *some person deputed by him*, shall prosecute; and hence it follows, incontestibly, that *one law officer*, and *but one*, shall appear before a general court martial, to prosecute in the name of the United States; the first right of substitution, was reserved to the judge advocate; the second right of substitution, necessarily, to the general, or officer commanding the army, &c. In case of the non-appointment, or default of the judge advocate, from whatever cause, it is

apparent, that by the general, or officer commanding, is meant the person, in actual command, and not the chief magistrate of the United States; who, although the *constitutional commander in chief*, of the *army* and *navy* of the United States, and *of the militia*, when in actual service, has never been spoken of, or described in any statute, as the general; and, who, so long as he continues to exercise, the functions of president of these states, cannot be so designated. It would be as humiliating, as ridiculous, to reduce the President, to the level of the judge advocate, whom he nominates, and, with the advice and consent of the senate, appoints to office; yet such would be the case, were he liable to appoint, the deputy of the judge advocate. And how can we reconcile, the functions of the chief magistrate, of the nation, to the duties of a petty commandant, of a military detachment, or garrison? It is equally absurd to say, that by the general, or officer commanding, was meant the President. The distinction is too obvious, to escape the dullest observer; the President, is *appointed by the people*; the general is *appointed by the President, by and with the advice, and consent of the senate*, and is the officer of the President. The conclusion, which should establish the proposition, that by the words "*the general commanding*," is meant *the President*, would necessarily subject him, to martial law and military punishment, like other officers, which would involve the monstrous absurdity, of a general being brought to trial, who possessed power to pardon himself. For a more pointed illustration, let us review the expedition, to repress the western insurrection: PRESIDENT WASHINGTON, attended the assemblage of troops at Bedford, from the several adjacent states; but, at that place, he appointed General Lee to the command. IN THE LATE AFFAIR, NEAR BLADENSBURGH, THE PRESIDENT WAS ON THE FIELD OF BATTLE, BUT GENERAL WINDER WAS THE GENERAL AND COMMANDED.

"JAMES WILKINSON, *Maj. Gen.*"

General, or officer commanding, cannot be construed into President.

President Washington attends the assemblage of troops at Bedford, but General Lee commanded.—President Madison at Bladensburgh, but General Winder commanded.

In reply to the objections thus raised, the special judge advocated stated,

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Mr. Van Beuren's reply.

"That the delicacy of his situation, rendered it, in his judgment, improper, to enforce by a full discussion, his right of conducting the prosecution; that he had felt himself, bound to obey the call, which had been made upon him, by the government; and was now prepared, with the permission of the court, to enter upon the discharge of the duties, attached to the station, for which he had been selected; that he deemed the authority, under which he claimed to act, competent for him, and binding on the court: that it was for them to say, how far they were authorised, TO ARRAIGN THE CONDUCT OF THE GOVERNMENT, in this respect, and decide on the LEGALITY, of the COURSE which had been ADOPTED; that he should conform to such order, as they MIGHT FEEL AT LIBERTY, and JUSTIFIED TO MAKE, in the premises."

Judge advocate endeavours to sustain Mr. Van Beuren's appointment.

Mr. Van Beuren having concluded his remarks, the judge advocate read page 207 of Tytler on martial law, as authority for the course, which had been pursued by the government.

He next cited the trial of Brigadier-general Hull, as a precedent* in point, and adverted to the practice common in naval courts martial, of appointing special judge advocates; likewise in the criminal courts, of the United States, where common law maxims govern, though the attorney-general is the only public prosecutor, recognised by the statute; yet it has been the established usage, to employ counsel in most important cases.

The court being, thereupon, cleared; after full and deliberate discussion; and having maturely weighed the objections, advanced, was of opinion:

"1st.—That it had full cognizance, and was competent to determine, upon the legality of the special judge

* The judge advocate, true to his trust, and content with his degradation, (although the legitimate officer of the court) appeared, not only willing, but desirous, to wave the privileges of his rank, and submit to receive instructions from an assistant; for this end, he laboured with an unholy zeal, in support of the usurpation of the executive, and contributed his aid, to found a precedent, on an illegal exertion of power.

advocate's appointment; though *emanating from the same authority, which constituted the court.*

"2d.—That in cases, where a regular judge advocate has been assigned, and is attending on the part of the prosecution, the court cannot admit as principal prosecutor, a special judge advocate, designated by the war department, and neither in the line or staff of the army."

Decision of the court.

THE COURT* ACCORDINGLY DECIDED, THAT MARTIN VAN BEUREN ESQ. CANNOT BE RECOGNISED, AS SPECIAL JUDGE ADVOCATE, ON THE PRESENT TRIAL.

The court having determined on the exclusion, of Mr. Van Beuren, the judge advocate observed, that being well aware, it was not designed that he should singly undertake, a trial so important and arduous, as the present, and knowing, that a gentleman *distinguished in his profession,* had been selected, he felt reluctant to *contravene the intentions of the government;* under any other circumstances, he should not have hesitated, but he felt a delicacy in assuming a responsibility, *not originally*† *his,* and which has become so merely by *accident.*

* This determination of the members of this general court martial, well deserves to be recorded, IN LETTERS OF GOLD; its authors, will live in the grateful remembrance of posterity, while the occasion which produced it will excite abhorrence; and the more lasting will be their fame, when, it is recollected, that they *thus* dared to maintain their *just authority,* to assert the *rights* of their *brethren in arms,* and to *uphold* the *pure principles of external justice,* in the *face* of DESPOTIC POWER; they risked nothing, they calculated clearly, and ably, on the times they lived in, and on the dispositions of the executive; and resolved on a noble sacrifice; "fiat justitia ruat cœlum." They were not mistaken; the penalty due for the exercise of independence, and their adherence to the obligations of conscience and honour, was levied with an inexorable hand; and out of THIRTEEN members, who had been selected, for this general court martial, ONE only was retained, on the reduction of the army; another, it is true, after being degraded from his rank, has been re-admitted; and yet after all this, it would be a political heresy, to question the justice and the magnanimity, of the meek, and mild, and virtuous, President Madison.

† Yet the General Orders, constituting the court, and adjutant-general's letters, shew, that he was "originally" appointed judge advocate to it, and that Mr. Van Beuren was not named.

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Under these impressions, he would with permission of the court, beg leave to decline.

Judge advocate begs leave to decline acting.

The court was of opinion, that it was the duty of the judge advocate to proceed with the trial, and adjourned to the 17th instant, 10 o'clock.

Court House, Troy, Jan. 17th, 1815.

The court convened pursuant to adjournment.

The previous minutes having been read, the judge advocate demanded, of Major-general James Wilkinson, if he was prepared to plead to the charges? who replying in the affirmative, was thereupon, arraigned as follows, viz.

"The United States of America,

vs.

"Major-general James Wilkinson.

"Charges against Major-general James Wilkinson, of the army of the United States, preferred by order of the secretary of war, viz.

Charges.

"CHARGE 1st.—NEGLECT OF DUTY, AND UNOFFICER-LIKE CONDUCT.

"SPECIFICATION 1st.—In unnecessarily delaying, and retarding the movement of the troops, under his command at Fort George, from that post to Henderson's bay, or Sackett's Harbour, during the months of September, and October, 1813; to the great detriment of the service, by failing to make, or cause to be made, the proper preparations for their embarkation, and, particularly, by causing the said troops, or a part thereof, after they had embarked or sailed from Fort George, to return to the same, under a fictitious alarm, for the safety of that post.

"SPECIFICATION 2d.—In not accompanying as his duty required him to do, the movement of the said troops, from Fort George to Henderson's bay, or Sackett's Harbour, during the months of September, and October,

1813, and in omitting to hasten their progress, agreeably to his orders, and the plan of the campaign.

"SPECIFICATION 3d.—In losing much time, very unnecessarily, and to the great injury of the service, during the month of October, 1813, at Sackett's Harbour and in the movement of the troops, under his command, from that post to Grenadier Island, and particularly in causing the said troops, or a part thereof, after they had embarked, or were prepared for embarkation for Grenadier Island, with their stores, artillery, provisions, &c. to wit, on, or about the 4th day of October, aforesaid, to debark at the said Harbour, their stores, artillery, provisions, &c. on pretence of making new arrangements, thereby losing the period, most fit for the said movement, as to time and weather; causing the actual movement to be made under circumstances, bringing with them great delay, embarrassment, and public loss; and also, greatly tending, to prevent a successful prosecution of the expedition, for which the said troops were destined.

"SPECIFICATION 4th.—In declaring openly and publicly between the 16th of October, and the 12th of November, 1813, and during the expedition of the said troops, down the St. Lawrence under his command; in substance, that the officers of the army commanding in boats, having on board provisions, and public stores, had no care or charge thereof, and that it made no part of their duty, to preserve or keep safe the same; and refusing to make it the duty of the officers, to attend to their safe keeping, although, advised of the abuses which existed, in that respect; thereby causing and countenancing negligence, and waste, and inculcating on the minds of the officers, under his command, a disregard to the preservation of the public property, to the great damage of the service.

"SPECIFICATION 5th.—In calling two councils of war during the month of November, 1813, the one at or in the vicinity of French Creek, and the other in the vicinity of the village of Hamilton; submitting thereto, the

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state of his provisions, (the preservation of which had been so as aforesaid disregarded by him) as a reason for discontinuing the expedition, to the great injury of the public service.

"SPECIFICATION 6th.—In unnecessarily delaying the movement of the troops, under his command, from Grenadier island; and particularly in embarking, and again disembarking, the corps of artillery, attached to his command, at Grenadier island aforesaid, without reasonable cause; in useless, and injurious delays of the army, under his command, in its descent of the St. Lawrence, and, particularly at the places of his encampment on French creek, in Upper Canada, in the vicinity of Morrisville, in the state of New York, and below and in the vicinity of Ogdensburgh; under the pretence, at the latter place, of detaching Colonel (now Major-general) Macomb, with the corps elite, to seize on the village of Matilda, in Upper Canada, without previously ascertaining, whether the said post was occupied by, or whether the enemy were in force there; and in actually sending Colonel (now Major-general) Macomb with the corps elite, to carry the said post of Matilda, when the same had in fact been evacuated, or was not then occupied by the enemy; thereby greatly and unnecessarily, impeding the progress of his army, when it was in his power to have ascertained, the true state and condition of the said post, before he made the said detachment; also in similar other delays, at various other places, between Prescott and the vicinity of Cornwall; thus allowing the enemy to discover the object of his movement, enabling them to come up with his rear, to make more effectual preparation to resist and repel his attack on Montreal, the professed object of his movements; and to check, harass, and impede his progress, to the great injury of the service.

"SPECIFICATION 7th.—In detaching Brigadier (now Major-general) Brown, with a large corps of the army in front, on or about the 10th of November, 1813, after it was known the enemy was in his rear, and disposed to

assail it; and in not first taking competent measures, to defeat and destroy the corps of the enemy, thus hanging on, and disturbing his rear, or, afterwards, to form a junction with the troops thus detached, as soon as the object of the detachment was effected, but on the contrary, exposing the service to imminent hazard, and to great actual injury, by unnecessarily engaging the enemy, with a portion of his army only, inferior to that of the hostile corps, which hung on and threatened his rear, at the time, of the detachment of General Brown as aforesaid.

"SPECIFICATION 8th.—In failing to adopt such measures, as were proper and practicable, on or about the 30th of March, 1814, to reduce the British post at La Cole mill, in the province of Lower Canada, and to capture the garrison thereof; especially in remaining inactive, four hours and upwards, before the said post, with an effective and well disciplined force, under his command, far superior in number to the enemy, and fully adequate to the reduction of the said place; in omitting to demand the surrender thereof, and to carry the same by storm; and finally withdrawing his troops, in a hasty and disgraceful manner, under cover of the night, from before the said post, defended by a small body of the enemy; thereby deeply wounding the feelings of his subordinate officers, destroying the spirit of the soldiers, and exposing the army to mortification and disgrace.

"CHARGE 2d.—DRUNKENNESS ON DUTY.

"SPECIFICATION 1st.—In being intoxicated by wine, or spirituous liquors, or both, on or about the 6th of November, 1813, in the vicinity of Ogdensburgh; and while the flotilla, and army under his command, were preparing to pass, and were engaged in passing the enemy's fortress at Prescott; and to such a degree as to disqualify him, from a correct, regular, and faithful discharge of his duty as commanding general; whereby a pernicious example was given to the officers, and troops, under his command; the discipline of the said troops, in danger of being relaxed, their confidence in the discretion of their

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commander diminished, and the said army exposed to the hazard of disorder and defeat.

"SPECIFICATION 2d.—In being intoxicated by wine, or spirituous liquors, or both, on or about the 7th of November, 1813, in the vicinity of Ogdensburgh, during the said expedition under his command, to a degree disqualifying him for the faithful discharge, of the duties attached to his station, and highly degrading to his character as a gentleman, and a commanding officer of an army, in the presence of several subordinate officers, and other persons; thereby wounding the just pride of the officers under his command, exposing them to great mortification, impairing the confidence in their commanding General, and, also, thereby exposing the prosecution, of the said expedition, to great hazard, shame, and disappointment.

"CHARGE 3d.—CONDUCT UNBECOMING AN OFFICER AND A GENTLEMAN.

"SPECIFICATION 1st.—In declaring on, or about the 1st of November, 1813, at or near Grenadier Island, that his orders were positive to make Montreal, the object of his attack; and that they left nothing to his own choice, thereby wilfully and falsely misrepresenting, the orders under which he acted.

"SPECIFICATION 2d.—In speaking very disrespectfully, and improperly of the army, and of the service, in which he was employed, on or about the 7th of November, 1813, in the vicinity of Ogdensburgh, by damning the army, the expedition, and himself.

"SPECIFICATION 3d.—In writing a letter, on or about the 10th of June, 1813, and after his designation to a command in the ninth military district, to Major-general Morgan Lewis, then serving in that district, tending to induce that officer to avoid danger in battle; under the pretext that he, the said Major-general Lewis, and he himself, Major-general Wilkinson, were master spirits, and not to be exposed to such danger, into which, the younger officers should be pushed, or words to that effect, thereby striking at the very foundation of military character, and

service, and calculated to bring shame, and disgrace upon the American arms.

"SPECIFICATION 4th.—In being intoxicated by wine or spirituous liquors, or both, on or about the 6th of November, 1813, in the vicinity of Ogdensburgh, and while the flotilla and army, under his command, were preparing to pass, and were engaged in passing, the enemy's fortress, at Prescott; and to such a degree, as to disqualify him from a correct, regular, and faithful discharge of his duty, as commanding General, whereby a pernicious example, was given to the officers and troops, under his command, the discipline of the said troops, in danger of being relaxed, their confidence in the discretion of their commander diminished, and the said army, exposed to the hazard of disorder and defeat.

"SPECIFICATION 5th.—In being intoxicated, on the 7th of November, 1813, at the house of Daniel Thorpe, in the vicinity of Ogdensburgh; and while commanding an army of the United States, engaged in an important expedition; and while in this condition, singing in the presence of officers, and others, an obscene and ludicrous song, in relation to the said expedition, thereby degrading his own character as an officer, and gentleman, mortifying the military pride of his subordinate officers, and bringing shame and disgrace, upon the character of the American army.

"SPECIFICATION 6th.—In inducing Brigadier-general Swartwout, to send or convey to him an original order, given by him, James Wilkinson, to said Swartwout, for the purpose of having it copied; pretending to have no copy thereof, and after obtaining the said original order, declining to return it, on pretence that he had not seen the same, or been in the possession thereof; or that it had not been communicated to him, since the time of its issue; thus falsely and unjustly withholding an order, essential to the safety and justification, of a high and responsible officer.

"CHARGE 4th.—COUNTENANCING AND ENCOURAGING DISOBEDIENCE OF ORDERS.

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"SPECIFICATION 1st.—In issuing a general order, at Waterford, in the state of New York, on the 18th of January, 1814, and communicating the same to Colonel Simon Larned, then in the military service of the United States, of the tenor and effect following:

GENERAL ORDER.

"*Waterford, Jan. 18th,* 1814.

"A military officer, is bound to obey promptly and without hesitation, every order he may receive, which does not affect his honour; but this precious inheritance, must never be voluntary forfeited, nor should any earthly power, wrest it from him; it follows, that when an officer is made prisoner and released, on his parole of honour, not to bear arms against the enemy; that no professional duties, can be imposed upon him, while he continues in that condition; and under such circumstances, any military man will justify him for disobedience.

"Captain J. D. Coon, of the 16th infantry, and Captain Elam Lynds, of the 29th infantry, will join their respective regiments without delay, and report to the commandants thereof.

"JAMES WILKINSON."

"Intending to contravene, and defeat, an order given by the department of war, and communicated by the said Colonel Simon Larned, commanding at Greenbush, in the state of New York,—thereby countenancing and intending to encourage subordinate officers, to disobey orders from the war department; and particularly that, in relation to the duties to be imposed on prisoners of war, to the great detriment of the service, and the entire prostration of all military discipline, and obedience.

"M. V. BEUREN, *Special Judge Advocate.*

"E. A. BANCKER, *Judge Advocate.*"

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The charges having been read, Major-general Wilkinson, objected to plead to the same on the ground, that he had already been served with a series of charges from the former secretary of war, John Armstrong esq. his judge advocate, Inspector-general Bell, and Adjutant-general Parker, with additional specifications;—and that a general court martial, had been actually appointed, to try him on those charges, which varied materially, from those just read to the court; that with the order constituting the court, one set had been transmitted to him, by Colonel Bell, then acting inspector-general, at Washington, which had been afterwards recognised, by the adjutant and inspector-general Parker. And as the government had elected, to take this course, the present judge advocate, was precluded from making, any alterations in the charges, thus served upon him, against which he was prepared to defend himself. [General Wilkinson further observed, that it was not from any apprehension, of the calumnies, levelled at him, however they might be modified and improved, but that his motive was, to uphold principle and resist innovation, from whatever authority it might emanate.]* On these grounds, and for other reasons, suggested in the course of his remarks, General Wilkinson contended, that the present charges were inadmissible, and urged to the court, the propriety of rejecting them.

General Wilkinson objects to plead to the charges, on account of the frequent, and material alterations made in them.

The judge advocate, in reply, observed, that agreeable to martial law, and established usage, it is his province to conduct the prosecution, and serve a copy of the charges† on the accused. A degree of responsibility, necessarily, attaches to him in this character, as all defects in a charge, will naturally be imputed to the ostensible supporter. Under such circumstances, it would be

Judge advocate's reply.

* Omitted by the judge advocate.

† But in this case, the charges, had been under consideration since, July 9, 1814, had been arranged, modified, altered, added to, and twice served on the accused, and a court had been appointed to try him on them.

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contrary to justice, and policy, to deprive him of the right of giving the charges, a proper and legal shape; and excluding, as far as practicable, all defects in form, or substance. This practice has always been recognised, and *Tytler, page* 218, and *Macomb, page* 68, are conclusive authority on the point. According to the doctrine there laid down, material alterations may be made, at any time before the trial, with the consent of the power, ordering the court. That this consent has been given, is in proof before the court, and in pursuance thereof, the alterations have been made. It is impossible, that this course should operate to the prejudice of any party, especially in the present instance. If the object of General Wilkinson, was to challenge a full and fair investigation; he could with confidence declare, that the amended charges, would better meet his views; inasmuch as they contain, a more precise and distinct specification, of the facts which form the basis of the accusation.

The court being cleared; after duly weighing the objections urged, was of opinion, that the charges and specifications exhibited, are calculated to give due notice to the party accused, of the facts to be relied on by the prosecutor. That on comparing them with those heretofore served, on General Wilkinson, no material variations appear. The court accordingly determined, that he plead to the same.

Court determines that General Wilkinson ought to plead.

Whereupon the doors were opened; and the above decision having been read; Major-general James Wilkinson. pleaded,

Plea not guilty.

"NOT GUILTY" to the several charges and specifications, exhibited against him.

The judge advocate next stated, that he was under the unpleasant necessity of informing the court, that none of the material witnesses summoned on the part of the prosecution, had arrived. He must therefore claim the indulgence of the court, and solicit an adjournment for a few days.

Judge advocate moves for further adjournment.

The court postponed deciding upon this application, and adjourned to the 18th inst. 10 o'clock.

Court House, Troy, January, 18th, 1815.

The court convened pursuant to adjournment.

The judge advocate repeated his application for adjournment of the trial, until Thursday, the 26th instant; on the ground, that the material witnesses for the prosecution were still absent.

Before deciding upon this point, Major-general Wilkinson made an application to the court, in the following words, viz.

"*Troy, January 18th,* 1815.

"Sir,

General Wilkinson moves the court, to apply for certain orders, correspondence, &c.

"It is my earnest desire, that the general court martial, at which you preside, may take immediate and effectual steps, to procure from the war department, copies of the orders given to the late Major-general Hampton, when directed to take command in military district, No. 9.; and afterwards, so long as he continued, at the head of the right division of the army, within the said district; together with, copies of the official correspondence, public and private, between the said Major-general Hampton, and the late secretary of war, General John Armstrong, so long as he, the said Hampton, continued in command of the said right division; and more especially, the correspondence between them, at the time, and after the arrival of the said John Armstrong, in the city of Albany, in the month of August, 1813.

"I deem this correspondence, vitally essential to my defence, in order to shew, that after I had been invested, with the command of military district, No. 9, and the troops therein, the said General Armstrong, late secretary of war, treading on my steps, entered the said district, and did, then and there, in concert with the said Hampton, usurp the controul of the right division of the army, previously assigned to my command, within the said district; whereby the fundamental principles of subordination, and discipline were subverted, my rightful

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and necessary authority annulled, my responsibility as a commander dissolved, the movement of the troops under my command retarded, and diverted from the proper objects of the campaign; and thus the views of the government were defeated.

"With great respect,
"I am, Sir,
"Your obedient servant,
"JAMES WILKINSON.

"*The Hon. Henry Dearborn, Major-general, and President of a General Court Martial.*"

The judge advocate, in opposition to this application, offered the following remarks.

Judge advocate opposes the application.

"It is with infinite regret, Mr. President, I am under the necessity, of objecting to the admission of any testimony, which General Wilkinson deems material to his defence. But considering, the papers now called for, totally disconnected with the prosecution, that the accused cannot even designate the particular letters demanded, nor how far, and in what points they are relevant to the case; it appears to me, indelicate and unwarrantable, upon such slight grounds, to ask for documents from the secretary of war; upon the mere suggestion of General Wilkinson, and without even the formalities indispensable in other courts, we are asked to aid in the investigation of the public acts, and private correspondence of the late secretary of war; who is not now upon his trial, nor in any respect amenable to this tribunal. According to legal definitions, "evidence is that which demonstrates, and proves the matter in issue;" every thing foreign to this point; all circumstances which have not a direct, or indirect tendency, to elucidate the case, are therefore, inadmissable. Apply the above rule, to the charges under consideration; and I ask, what relation the imputed concert, between General Armstrong and Major-general Hampton, has to General Wilkinson's mismanagement in the campaign of 1813? On recurring to the specifica-

tions, the court will perceive that the major part of them, impute to the accused, certain sins of omissions; they allege, that he created unnecessary and injudicious delays, in the movement of the troops, under his actual command; to wit, at Fort George, Sackett's Harbour, Grenadier Island, and down the St. Lawrence; that with the force, so under his controul, and more than competent for his purpose, he also failed to defeat the enemy, at Williamsburgh; and by his injudicious measures, suffered them to escape.

"The events, out of which the principal accusation has arisen, all occurred, before it was possible to have formed a junction with General Hampton; before the army arrived at the point, designated for such junction.

"The specifications apply solely to errors, in the arrangement made by the accused, for the movement of the forces, who attended him down the St. Lawrence, and wholly disconnected from Hampton's division. Admitting for a moment, the possibility, that General Wilkinson, by succeeding in his present application, should make any discoveries, implicating a third person; should shew that, by the private orders of General Armstrong, the right wing of the army, was exempted from his controul; will this exculpate the accused, for the omission of his duty? Will it defend him from the imputation, of having wasted the most precious periods of the campaign, at Fort George, and other places in his route?—I contend, Mr. President, that the specifications against him, have no reference, to any other body of troops, than the one, under his immediate command; that it is quite immaterial to the points in issue, whether General Hampton's division was waiting his arrival, on the banks of the St. Lawrence, or reposing in their barracks at Plattsburgh; that the acts with which he is charged, occurred previous to his knowledge of Hampton's refusal to join him, and could have no influence, upon his measures; that in his official communication to General Armstrong, he pointedly declares, that Major-general Hampton's extraordinary refusal to join him, reached

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him on the 12th November, 1813; two days after the battle of Williamsburgh, and as the accused observes, blasted all his hopes, and destroyed every prospect of the campaign. Whatever discoveries, therefore, might be made by the required correspondence, they could not be offered as a defence, for errors committed anterior to this date. He had prior to the 12th of November, every reason to believe, that General Hampton would join him, and should have governed himself accordingly. Upon these grounds, I trust, the application will be rejected."

The court decides in favour of General Wilkinson's application.

The court being cleared; after considerable discussion, decided, "that application be made to the secretary of war, for such parts of the correspondence not yet officially published, and not improper to be made public, as passed between the late secretary of war, General Armstrong, and Major-general Hampton, relating to an interference with Major-general Wilkinson's command, in 1813;—that when received, the same be admitted in evidence before this court."

A question was next taken, upon the application of the judge advocate, to adjourn until Thursday, the 26th inst. on account of the absence of material witnesses.

Court refuses further adjournment, upon the application of the judge advocate.

Which being determined in the negative; the court adjourned to the 19th January, 10 o'clock, A. M.

Court House, Troy, January 19th, 1815.

The court convened pursuant to adjournment; but Major-general Wilkinson being prevented by indisposition from attending, it adjourned to the 20th inst. 10 o'clock.

Troy, January 20th, 1815.

The court convened pursuant to adjournment. The judge advocate made an appeal to the court, in consequence of the refusal of his motion, for a postponement; stated the continued absence of the most material witnesses for the prosecution, and assigned his reasons for not proceeding, with the trial under existing circumstances.

[General Wilkinson* then read, in his place, the following letter to the president, and delivered it in at the table.

"*Troy, January 19th*, 1815.

"Sir,

General Wilkinson's appeal to the court, against the procrastination of his trial, and the motion of the judge advocate for delay.

"The delays which have attended, the proceedings of the general court martial, ordered for my trial, cause me great inquietude, and will, I trust, excuse this trespass on the time of the court. It is nine months since, under a feigned pretext, I was robbed of my command, and two months since this court, was ordered for my trial. Not a single witness has yet been examined, and, now, the public prosecutor comes forward, to solicit an adjournment for ten days; and wherefore this application? professedly to gain time, for the collection of testimony; —this claim, Sir, is unreasonable; 'tis unjust;—it is not warranted, by the established rules of criminal jurisprudence, and is fraught with the most dangerous consequences to me:—I say, it is unreasonable, because the witnesses required in favour of the prosecution, are subject to the orders of the government; it is unjust, because it procrastinates my lingering sufferings, and protracts the, species of, disgrace, attached to the unmerited condition, in which I have been placed; and it is replete, with dangerous consequences to me, because, from the circumstances of the war, the enemy, by a sudden irruption into our territory, may call every military officer to his post, and dissolve this court; whereby, I shall be deprived of all chance of justice, and, after more than thirty years of faithful service, to my country, shall be hung up, a spectacle of public reproach, a victim of personal revenge, to an indefinite period, and possibly for the remainder of a life, which has been devoted to my country, from the earliest dawn of that glorious revolution, which secured to the British colonies, a name among the nations of the earth.

* Omitted in the proceedings by the judge advocate.

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"Were other arguments necessary, to sustain my objections, to this motion for an adjournment, they might be adduced:

"1st.—From MAGNA CARTA, which declares, that JUSTICE shall neither be DELAYED, nor DENIED, nor SOLD, *nulli vendimus, nulli negabimus, aut differemus rectum vel justitiam*—4 Blackstone's Com. p. 424—and this is the FOUNDATION OF THE LIBERTY OF AMERICANS.

"2d—The 6th amendment, of the Constitution of the United States, provides, that in all CRIMINAL PROSECUTIONS, the ACCUSED shall enjoy the RIGHT OF A SPEEDY AND PUBLIC TRIAL.

"3d.—In all trials at common law, as soon as the jury is sworn, the evidence is given in—4 Blackstone's Com. p. 355—3 Blackstone's Com. p. 368.

"I cannot, therefore, for a moment suppose, that this honourable court, will so slightly regard, the rights of a fellow, as to suspend their proceedings, while six witnesses, to support the prosecution, and twenty to vindicate the prisoner, are in waiting, at an expense, of more than thirty dollars per day; particularly, as the public prosecutor, rests his motion for an adjournment, on the grounds of form and convenience, viz. that he may, by an accession of testimony, be enabled to commence the prosecution, with the first charge, and float with the winds and waves, from Fort George, down to the French Mills. But, Sir, shall mere form and matter of convenience, be suffered to outweigh, solid rights and substantial justice? I trust not! I trust this tribunal of honour, whatever may be the talents, and influence, exerted against me, will never abandon, the rules of the common law, and the practices by which military tribunals, (*at once judges of the law and of the fact*) hold and are governed.

"The public prosecutor will not deny, that in the trial of an indictment, at the common law, consisting of two counts, containing charges for distinct crimes, the prosecutor may begin with either, at his discretion, and in MILITARY COURTS, it is the right of the accused, to adduce his exculpatory evidence, and make his defence to each

article of the charge separately, and the prosecutor may commence, with either of the charges, at his discretion, and is not confined to the order, in which they are arranged. This position is fully supported by authority—Tytler, 244. Macomb, ch. 4, sec. 3, p. 95. I therefore, cannot conceive the motives, of the public prosecutor's solicitude, for adhering so pertinaciously, to the prosecution of the charges exhibited against me, in the order they stand; for it would appear, as the prisoner has the option, to take up the charges separately, without regard to their order, it must be immaterial to the prosecutor, with which he begins.

"There is, yet, another objection, against putting off the trial, on account of the absence of witnesses, because the judge advocate, has not furnished the court, with a list of their names, nor stated the points, which are to be individually supported. In courts of common law, trials are never postponed on the application, of the public prosecutor, for the absence of witnesses, without shewing the materiality of their testimony, and that every exertion has been used to procure them, which his duty requires. And courts martial, are still more strict in this respect; they never put off trials, unless satisfactory proof be made. 1st.—That the required, are *material* witnesses. 2dly.—That there has been no neglect, in endeavouring to procure their attendance. 3dly.—That there is a *reasonable* expectation, their attendance may be procured, at the future time, to which, the prosecutor, prays the trial may be put off—(2d M'Arthur, p. 33.) And it is not enough, for the person, who applies to put off the trial, barely to swear to the materiality of the testimony, of the witnesses required, he is bound to furnish their names, to the court, and must set forth the points, which each of them is specifically to prove—(2d M'Arthur, p. 29.)

Before I dismiss this subject, I feel it a matter of propriety, and of interest, to suggest to the court, the necessity of coercing the attendance of the military witnesses, named on the part of my accuser; for if I may believe

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him, the charges presented against me, are founded on the information, of *secret agents, spies, and vile assassins of good fame*, who having effected their purpose, to remove me from my command, by *misrepresentations, falsehoods*, and *treachery*, dare not *confront the man* whom they *have stabbed in the dark*, nor *meet the scrutinizing eye of justice*. Possessed, as I now am, of the true character of my accuser, I am convinced, nothing would be so agreeable to him, as to quash this investigation, no matter by what means: and next to this circumstance, the non-attendance of a single witness, named by him, to support the prosecution, would be most acceptable; because, the first incident, would save him from an *impending load of infamy*, and the second, would enable him, *with the facility of his terrific pen*, to brand the whole proceedings, of this honourable board, with mockery, and to impute to the government, prejudice on one side, and partiality on the other; I do therefore, most earnestly entreat this honourable court, *to drag before it*, every witness, who has been required by my accuser, AND PARTICULARLY MAJOR-GENERAL SCOTT, BRIGADIER-GENERALS SWARTWOUT AND SWIFT, AND COLONEL J. B. WALBACH.

"With perfect respect, I am,
"Sir, your obedient servant,
"JAMES WILKINSON.

"*The Hon. Maj. Gen. Dearborn, President of the General Court Martial, in session at Troy.*"

The court, thereupon, directed the judge advocate, to comply with the requisites of the law, respecting his absent witnesses, and adjourned to the 21st, at 10 o'clock, A. M.]

"I, David Buel junior, counsellor at law, do hereby certify, that Major-general Wilkinson, requested and obtained leave of the court martial, to reduce the arguments, and authorities, advanced and cited by him, in opposition to a motion made, by the judge advocate, for

postponing his trial, to writing, for the purpose of their being inserted in the minutes of the court. That General Wilkinson accordingly addressed to General Dearborn a letter, containing the arguments and authorities which were urged by him; and I verily believe the paper hereto annexed, is a copy of the letter, which General W. wrote on that occasion; and that the arguments and authorities contained therein, are the same which were offered to the court by General Wilkinson.

"DAVID BUEL, JUN.

"*Troy, 18th Sept.* 1815."

Troy, January 21st, 1815.

The court convened pursuant to adjournment.

The principal witnesses relied on, for the support of the prosecution against the accused, being still absent, and the judge advocate, having declined an examination of such witnesses as were present on other charges, the court adjourned to Monday, 23d January, 10 o'clock.

Court further adjourned

Troy, January 23d, 1815.

The court convened as before, *but owing to the absence of Colonel Schuyler,* necessarily prevented from attending, it adjourned to Tuesday, the 24th January, 10 o'clock, A. M.

Troy, January 24th, 1815.

The court convened pursuant to adjournment.

In conformity to a previous intimation* from the court, suggesting the propriety of complying with all legal formalities, as a sanction for permitting further delays, on account of the absence of material witnesses; the judge advocate produced the following affidavit:

"*State of New York, ss.*

"Evert A. Bancker doth depose and say, that from a *list of witnesses and papers furnished him by the war de-*

* This intimation was an order of the court, founded on General Wilkinson's application of the 19th January.

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Judge advocate's affidavit as to absence of material witnesses.

partment relative to the trial of Major-general Wilkinson, he is informed, and verily believes, that MAJOR-GENERAL SCOTT, and BRIGADIER-GENERAL BOYD, are *material witnesses* to the 1st and 2d specifications of charge 1st; that the said BRIGADIER-GENERAL BOYD is also *a material witness*, to the 5th and 7th specifications of the same charge. That the above named MAJOR-GENERAL SCOTT is further *a material witness* to the 1st specification of the 2d charge.

"And the said deponent is informed from the same source, and verily believes, that MAJOR-GENERAL BROWN is *a material witness* to the 3d, 4th, 5th, and 6th specifications of charge 2d.—BRIGADIER-GENERAL SWARTWOUT to the 3d, 4th, 5th, and 6th specifications of charge 1st, and to the 1st specification of charge 2d.—MAJOR-GENERAL MACOMB, to the 2d and 6th specifications of the 1st charge.—BRIGADIER-GENERAL SWIFT, to the 6th specification of the 1st, and the 1st specification of the 2d, charges.—That MAJOR-GENERAL GAINES, BRIGADIER-GENERAL RIPLEY, COLONELS CLARK, WALBACH and KING, LIEUTENANT-COLONEL CHAMBERS and MAJOR NELSON, are all witnesses to certain of the specifications against the said Major-general Wilkinson, and as all the before named witnesses are absent, this deponent has reason to believe, that he cannot safely proceed to trial, without them. And this deponent, doth further say, that with the exception of Major-generals Brown, Scott, Macomb and Gaines, Colonel Clark and Lieutenant-colonel Chambers, the before named witnesses, were, by the department of war, notified to attend. That it was by the adjutant and inspector-general, intimated to this deponent, that if the officers last named, were required to be summoned, it would be done from his office. That this deponent did, accordingly, before the meeting of the court at this place, desire that Major-generals Brown and Scott might be notified, and has since the court convened, repeated the request, and also applied for the attendance of all officers who are absent, and judged to be material witnesses. That by direction

of the court, during the preceding week, he has sent summonses to all the absentees, whose residence is known, urging their immediate attendance.

"EVERT A. BANCKER."

"Sworn to this 24th day of January, 1815, before me,

"D. SOUTHWICK, *Not. Pub.*"

The deposition having been read, Major-general Wilkinson made the following application.

"*Troy, January 24th*, 1815.

"Sir,

General Wilkinson's application, for orders issued by secretary Armstrong.

"I request that application may be made to the proper authority, for the following orders, issued by John Armstrong esq. late secretary of war, to be laid before this court, the same being necessary to my vindication, against the high crimes with which I have been accused, *viz.*

"1st.—The orders directing Major-general Hampton, to command in military district, No. 9.

"2d.—The orders given to the said Hampton, by the said Armstrong, after he, the said Armstrong, entered the said district, in August, 1813; and during his continuance within the same.

"3d.—The orders of the said Armstrong, to Major-general Harrison, during the said period.

"4th.—The orders of the said Armstrong, to Brigadier-general Brown, during the same period.

"5th.—The orders of the said Armstrong, to Colonel Thomas A. Smith, during the same period.

"6th.—The orders of the said Armstrong, to Brigadier-general Robert Swartwout, quarter-master general, during the same period.

"7th.—The orders of the said Armstrong, to Doctor James Tilton, physician and surgeon-general, during the same period.

"8th.—The orders of the said Armstrong, to Doctor Francis Le Baron, apothecary-general, during the same period.

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"9th.—The orders of the said Armstrong, to Elbert Anderson, esq. contractor, and his agent, during the same period.

"10th.—The orders of the said Armstrong, to Matther Irwin, esq. assistant commissary of purchases, during the same period.

"With perfect respect, I am, Sir,
"Your obedient servant,
"JAMES WILKINSON.

"*The Hon. Major-general Dearborn,*
President of a General Court Martial."

Judge advocate's opposition to the application.

The judge advocate opposed the application on the ground, 1st, that the documents required, were foreign to the matter in issue, and could not, if produced, operate as a justification or defence.

2d. That the papers called for, were not sufficiently designated, nor is it made to appear, in what respect they are material.

After some discussion, the court was cleared, and having maturely considered the question, decided,

Decision of the court:

That application be made to the secretary of war to transmit to this court, the several documents enumerated by the accused, to be produced as evidence in his defence.

Judge advocate again declines proceeding.

The judge advocate, declining to proceed with the trial, on account of the absence of the principal witnesses; the court adjourned to the 26th of January instant, 10 o'clock.

Troy, January 26th, 1815.

The court convened pursuant to adjournment.

For the same reasons as before, the court adjourned to Friday, the 27th instant, 11 o'clock, A. M.

Troy, January 27th, 1815.

Colonel Brearley's indisposition.

The court convened pursuant to adjournment.

Colonel Brearly being prevented by indisposition from

attending;—*on account of deficiency of members*, the court adjourned to Monday the 30th instant, 11 o'clock, A. M.

Troy, January 30th, 1815.

The court convened pursuant to adjournment, *but on account of the continued indisposition of Colonel Brearly*, adjourned to Tuesday, the 31st instant, 10 o'clock, A. M.

CHAPTER II.

Judge Advocate produces General Scott and General Macomb's letters; and a letter from the Inspector & Adjutant General, to account for the absence of Generals Scott, Gaines, and Smith, Colonel Preston, and Major Nelson.—Judge Advocate proceeds with the examination of witnesses.—Examination of Brigadier-general Robert Swartwout, Quarter-master-general, commences.—Produces General Wilkinson's letter, to himself, of August 25th, 1813, *respecting the mounting of the dragoons, and the supply of water transport for* 7000 *men, two month's provision, artillery, camp equipage, &c.—Affair of pickets, on the* 10*th Nov.—Quarter-master-general's account of the battle.—His estimate of the enemy's force.* —His accurate knowledge of events.—*States an extraordinary conversation, which he pretends passed between General Wilkinson and himself.—His cross examination commences. His ignorance of the duties of his station manifested.—Evasive answer to* 10*th Question.—Further proofs of his incompetency.—The Secretary of War's improper interference. The Quarter-master-general's reasons, why a movement might have been made down the St. Lawrence, on the* 10*th.—His evidence, respecting his resignation, contrasted with Major Rees's.—The Quarter-master-general votes for the continuation of the expedition, in the expectation of a junction of General Hampton's force.* —*Secretary of War's further interference, by his letter, ordering the Quarter-master to erect huts for* 10,000 *men in Canada.—The Quarter-master-general,* unequal to the duties of that station, *seeks, and through the interest of the Secretary of War, obtains the additional employment of Brigadier-general, for which* he was equally unfit.— *Colonel King's examination commences.—Is sent by Ge-*

neral Hampton, with a communication to the Secretary of War, at Sackett's Harbour.—Is induced to seek an interview with General Wilkinson.—His character of the troops engaged on the Chateaugay.—Proves General Hampton remonstrated against being under the command of General Wilkinson.—Correspondence between Secretary of War and General Hampton, respecting General Wilkinson's command, referred to.—His impressions, that on the junction of the armies, General Wilkinson was to have the command.—Colonel King's conversation with the Secretary of War, who blames General Wilkinson, but acquits General Hampton of censure.

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Troy, January 31*st*, 1815.

The court convened pursuant to adjournment.

The judge advocate having by order of the court, on the 17th of January inst. made application to the war department, for the attendance of certain witnesses, material to the support of the prosecution, and having subsequently sent an official summons, to the respective officers, whose attendance was required, now produced and read communications from Major-generals Scott and Macomb, stating,

"That the exigencies of the service, demanded their presence at their several stations, and would prevent their attendance pursuant to notice."

[I regret that I should, in this place, be obliged to supply an essential omission, of the judge advocate, by the introduction of the letters, of Generals Scott and Macomb, to which he barely alludes; and, I trust, I shall be excused a few remarks, applicable to those officers, who had been summoned as witnesses.

When the life or character of a citizen is jeopardized, can it be reconciled, to the rights of humanity, the principles of justice, maxims of law, or to ordinary judicial

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proceedings, to withhold from him, testimony material to his justification? The question is a solemn one; it interests every man's rights, and reaches every man's safety; I, therefore, appeal for an answer, to the intelligence, integrity, and patriotism of the country. The case has occurred, as will be apparent, from the following facts, verified by the letters in question.

I had been arrested, by President Madison, to gratify the personal policy, and vindictive passions, of his secretary of war, General Armstrong; but, when I demanded Generals Scott and Macomb, as material witnesses in the cause, they were refused under pretexts of public duty; Macomb, in the dead of an inclement winter, the troops in quarters, and all things tranquil, was deemed necessary to defend the fortifications, at Plattsburgh, although Colonel Melacton Smith, was on the spot, who, without disparagement, if danger had occurred, was as competent to meet it, as the general himself: Scott, one of the secret informers, who had been instrumental to my arrest, to which, I am assured, Mr. Madison was privy, anticipating the consequences of an enquiry, had contrived to load himself with duties, which he assigns as a reason, for not confronting the man, whom he had vilely calumniated, and whose eye he has never dared to meet; the acquiescence of the secretary of war, who had become subservient to Scott's intrigues, followed as a necessary consequence.

Having discussed this subject freely in the first volume, I shall here dismiss it, with an explicit declaration: That I desired the parole testimony of General Macomb, not only, respecting the operations of the campaign, 1813, but to my general conduct as a military officer, with which, he was intimately acquainted; and I was extremely solicitous to drag Scott before the court, that I might have an opportunity, to detect his slanders, unmask the impostor, and expose to the world, the painful truth, that animal courage and personal honour are not always allied.

"*Head Quarters, Plattsburgh, Jan 25th*, 1815.

"Sir,

"I have the honour to acknowledge the receipt of your note by last mail, requiring my presence, as a witness, before the general court martial, now sitting at Troy. General Macomb's letter.

"I regret, that such is the situation of this frontier, and such the instructions of the secretary of war, that I am not at liberty, to leave the post, to appear before the court.

"With perfect respect, I am, Sir,

"Your obedient servant,

"ALEX. MACOMB.

"*E. A. Bancker, Judge Advocate,*
Troy."

"*Head Quarters, 11th & 10th Military Dist.*
Baltimore, Jan. 25th, 1815.

"Sir,

"I have this moment received your note of the 18th inst. (by the way of Philadelphia,) requesting my attendance at Troy, (N. Y.) as a witness, on the trial of Major-general Wilkinson; to which you add, '*the court is prevented from proceeding, for the want of my testimony.*' General Scott's letter.

"I am now, for the first time, informed, (officially) that I was considered a witness in that case, not having received any previous notice to that effect.

"Please inform the general court martial, of which you are the judge advocate, that I am, at this moment, the president of a military board, sitting in this place, and have just received a warrant, to hold a court of enquiry (to sit to-morrow) in the case of a general officer of the army. It will, therefore, be impossible for me, to attend the general court martial, now sitting at Troy, (without special orders from the war department) in the next one or two months.

"Respectfully your obedient servant,

"W. SCOTT.

"*E. A. Bancker, Army Judge Advocate.*"]

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The judge advocate also submitted a letter from the adjutant and inspector general, an extract from which, relating to the same points, is as follows.

"Adjutant & Inspector General's Office. January 23d, 1815.

"Sir,

Adjutant and inspector-general's letter, 23d Jan. 1815.

"Your letter of the 17th inst. has been received, and has been laid before the secretary of war. He has been so much indisposed, that I have not been able to see him. I have, however, according to his directions, this day issued orders to Major-general Brown; Brigadier-generals Ripley, Boyd, Swift, and Swartwout; Colonels King and Walbach, and Lieutenant-colonel Chambers, to repair to Troy, as soon as practicable. The other officers named in your letter, cannot attend.

"Generals Scott, Gaines, and Smith, are on duty from which they cannot be taken.—Major Nelson is sick in Virginia.—Colonel Preston has arrived at this place, on his way, but is too feeble to complete the journey."

In consequence of the arrival of Brigadier-generals Swartwout and Boyd, witnesses in support of the charges; the judge advocate declared his readiness, to proceed with the trial, and accordingly

Brig. Gen. Swartwout's testimony.

ROBERT SWARTWOUT, quarter-master-general of the United States army, was produced, sworn, and examined as a witness on the part of the prosecution, and testified,

That in the summer and autumn, of 1813, he was attached to the United States army, as quarter-master-general, and was stationed at Sackett's Harbour, from the middle of July, to the 22d, or 23d, of October, (with the exception of four or five weeks of that period). That on the 20th or 22d of August, Major-general Wilkinson assumed the command, at the above post; subsequently on the 2d or 3d of September, met the witness by appointment at Genesee River, and afterwards proceeded to Fort George, from whence he returned to Sackett's

Harbour, on the 4th of October. The witness stated, that on account of the multiplicity of his engagements, he could not be very precise as to dates, without referring to his papers, HE HAVING BEEN FOR DAYS, AND WEEKS, DURING THIS PERIOD, THAT HE DID NOT KNOW THE DAY OF THE MONTH, OR OF THE WEEK.* That about ten days, or a fortnight, after seeing General Wilkinson at Genesee, the witness reached Sackett's Harbour, having previously provided transportation for the troops, then at Fort George, which he presumes was not in readiness, until the 20th of September. That between the last mentioned date, and the 4th of October, the weather was generally favourable, for an expedition in boats on the lake. That in the month of September, while General Wilkinson continued at Fort George, he transmitted orders to Sackett's Harbour, directing arrangements to be made for an expedition; and the witness received from him, a letter, dated 17th September, relating to his particular department, in the words and figures following:

"*Fort George, September* 17, 1813.

"Sir,

General Wilkinson's letter of 17th Sept. 1813.

"Your letter, of the 12th, from Oswego, was faithfully delivered by the rider, Mr. O. Smith, in the twilight of the 15th; and I have detained him until this day, waiting with anxiety for some information from our squadron, but without effect. We have as yet no boats from Oswego; those from Genesee arrived last evening, and are engaged. In defect of transport, we must forage upon the enemy. I arrived here early the day after we parted, more dead than alive; and it was not until to-day, I have been able to abandon my pallet. Do all you have

* The world, certainly, can require, no stronger evidence, of the quarter-master-general's utter incapacity, to discharge the functions, of his all-important station, than the declaration of the gentleman himself; and, thus, at the threshold of the enquiry, we have the best testimony, of the incompetency of the means, provided by the secretary of war, General Armstrong, for the accomplishment of a complex, critical, and difficult military operation.

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been ordered to do, and as much more as you may deem useful and necessary, to the public service.

"With consideration and respect,

"I am, Sir, yours, &c.

"JAMES WILKINSON.

"*Brig. Gen. Swartwout, Q. M. Gen.*"

"When the army of the lake is embodied, your station becomes adjunct to head quarters—for your government.

"J. W."

"The inclosed will convey some idea, of the *derangement and distractions, in the transport service.* The same vessels, employed to bring the public clothing here from Oswego, must be directly engaged to carry it back.

"J. W."

Pursuant to orders, previously received from General Wilkinson, the witness provided boats and other transportation, adequate to the removal of General Lewis's division of the army, by the 1st of October. The preparations for this purpose, however, were not quite complete, until the 4th, when all was in readiness, and some of the provisions actually embarked. Between the 1st and 4th of October, Major-general Lewis commanding, issued a general order, respecting the embarkation of his division, for Grenadier Island. On General Wilkinson's arrival, other orders were issued by him, virtually countermanding the preceding. New dispositions were by him made, with the reasons of which, the witness was not acquainted; but he believes, caused a delay of four or five days, in the movements of the army, until the commencement of a storm, which lasted six or seven days longer; and was so boisterous, as to prevent all navigation on the lake, (he believed) three or four days after the storm ceased, the embarkation actually took place, and the expedition proceeded for Grenadier Island, distant eighteen miles. He added, that the storm did not materially, injure the boats assigned to General

Lewis's division, and immediately after its termination, the latter were in readiness to have effected the removal.

That on the 22d or 23d of October, the witness repaired to Grenadier Island, General Wilkinson having reached it the day previous. He there found the division of the army from Sackett's Harbour, and also, that from Fort George; some three or four hundred might perhaps have been absent.

In the passage from the Harbour to Grenadier Island, four or five scows with heavy artillery, were stranded, one or two of which were lost: and these, with the loss of five or six boats, caused a delay of two days. Many boats, also, after reaching the Island, required repairs, and about two days were occupied for this purpose. These might have been simultaneous with the period, in which the stranded scows were refitted; but on this point, he could not speak with certainty. The witness further remarked, that according to his calculation, one-third of the transports, were lost in the passage from Fort George, and on this account it became necessary to embark troops on board of provision vessels. After the repairs of the boats, an additional delay of two or three days was occasioned by the bad weather. In fact, the season was so far advanced, that there was scarcely a day, fit for moving on the lake with safety in boats.

Immediately after the storm, General Brown's brigade and some other corps, having more large boats than the other brigades, embarked and proceeded to French Creek. The same day, Generals Covington and Boyd's followed, but were obliged to put back on account of the weather.

The witness could not recollect, whether the remainder of the trooops, and transports were ready for sailing, when General Brown left the Island; but two days after, having been delayed until then, by bad weather, they departed in detachments; and in his opinion, the expedition sailed from Grenadier Island, after its organization, as soon as the weather permitted. The corps of artillery, was commanded by Brigadier-general Por-

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ter, and was not to his knowledge, embarked and again disembarked, at Grenadier Island.

After leaving the latter place, the first point of general rendezvous, was at French Creek, where the witness arrived with the rear brigade, about 11 o'clock, on the morning, of the 1st of November; the army remained there two or three days, during which time, Colonel Randolph joined with his regiment from Oswego; but whether this regiment, had halted at Grenadier Island, the witness was not informed. During the stay, at French Creek, the weather was favourable for sailing; the boats in order, and competent for the removal of the forces; and the witness was not aware of any obstacle to prevent their movement.

On the 4th or 5th November, the army departed from French Creek, halted about 12 o'clock at night, six miles above Ogdensburgh; and the ensuing morning, orders were issued by General Wilkinson, respecting the passing of Prescott, a fortified place on the Canada shore. The troops during this day continued stationary, and about 9 o'clock at night, proceeded by land, leaving in the boats a sufficient number to row them. The boats started about 2 o'clock in the morning, and reached the place of general rendezvous, four or five miles below Ogdensburgh, before his brigade arrived; this had halted some hours, between two and three miles below Ogdensburgh; and the witness came up about 8 o'clock.

At the point last indicated, they continued encamped, until near evening; a detention occasioned, in part, by the loss of an ammunition boat, which had put into Ogdensburgh.* To secure this, he returned with the 21st regiment of infantry, to that place the ensuing night, and effected his object. The artificers, during this day, were also employed in making large oars, for steering the boats through the rapids. The army next halted at the White House, twenty miles below Ogdensburgh; at this

* The witness meant Oswegatchie creek, at the upper side of Ogdensburgh.

place, the witness arrived at 11 o'clock in the morning, of the second day after passing Prescott. He there found the main body, and saw the dragoons and light artillery, engaged in crossing the St. Lawrence, to the Canada shore, by means of the large scows appropriated to the artillery, which had been disembarked for that purpose, and afterwards again embarked. Whether the main body crossed from the White House, to the opposite shore, the day last mentioned, or the following morning, he could not state; but the different brigades proceeded by land and water, regulating their movements by each other; and, after an advance of fifteen miles (as far as they could reasonably march) halted for the night at Chrystler's.

The next morning, at day light, General Brown's brigade was detached in advance, with some other corps, down the river. About 8 o'clock, the remaining troops on shore, were on their march, and within half an hour after, the rear was fired on by the enemy. Various accounts were brought, concerning their force; the boats which had previously sailed were remanded; the dragoons were detached to reconnoitre; the army countermarched in pursuit of the enemy; and after spending the whole day in marches and countermarches, halted for the night within a trifling distance of the place of their last encampment.

The court adjourned to Wednesday, the 21st of February, 1815, 10 o'clock, A. M.

Troy, February 1st, 1815.

The court convened pursuant to adjournment.

The examination of Brigadier-general Swartwout being resumed, he testified that he heard, he thinks on the 9th of November, from Major Brown, of the enemy's approach in the rear; and that they had landed at Prescott, from 26 to 30 hours after our army had passed. He does not know whether General Wilkinson received this account, nor whether measures were ever taken by him, to ascertain the enemy's force; neither can he state the

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number of our troops, after General Brown was detached, nor of the enemy. No measures were taken, to the knowledge of the witness, to procure the co-operation of General Brown's brigade, in case of necessity. After the firing on the 10th, a variety of dispositions were made to meet the enemy; but they could not be found, nor could their numbers be ascertained; whether they were one hundred, or one thousand. Nothing occurred during the day, but some affairs of pickets. On the night of the 10th, the army halted on nearly the same ground, as on the preceding; there could not have been a difference, exceeding two miles. It rained incessantly, and the troops lay on their arms, but were not encamped.

On the morning of the 10th, the witness was of opinion, that the army might have moved on, towards the advanced corps under General Brown, without any material obstruction from the enemy in the rear.

Affair of pickets.

At reveillé, or shortly after, on the morning of the 11th of November, there was an affair of pickets. The army was then put in motion, to follow General Brown. The brigade commanded by the witness, advanced half a mile, when it halted, by order of General Boyd, then commanding on shore. During its march, there was occasional firing, but scattered and distant.

The witness also testified, that he did not see General Wilkinson on the morning of the 11th, but presumes he was on board his boat: that his brigade, after halting fifteen or twenty minutes, was ordered back, and marched until it occupied the ground, it did the preceding evening. At this place the main body halted, distant as he presumes, about four hundred yards, from the boats, and was near them, as the nature of the ground would permit; but, after the action commenced, the boats were sent several hundred yards down the river for safety. In the mean time, the dragoons were out reconnoitring; and various reports were made to General Boyd, who commanded. Between 11 and 12 o'clock, it still raining, but not so hard as before, General Boyd ordered him with his brigade, to pass through a copse of

wood on the right, seek the enemy, and fight him; he accordingly sought,* found, and fought him. The number of the enemy, who shewed themselves on that day, amounted to the best of his judgment, to 2500 men. The brigades commanded by Generals Boyd and Covington, followed him, in succession, and co-operated against the enemy. The number of infantry belonging to the three brigades, according to the best computation, was about 1700. At the close of the action, and after part of our troops had retired, by order of General Boyd, a reinforcement amounting, as he understood, to about 400 men, commanded by Colonel Upham, came up, and were partially engaged. During the engagement, part of his brigade, having expended their ammunition, retired to a ravine, where they were replenished, and again joined the action; but he does not know, whether any of the other troops were in the same predicament.

Quarter-master-general's account of the battle.

His estimate of the numbers of the enemy.

The enemy were driven back about a mile and a half, to their strong ground, where was a reserve of 700 men, who had not been engaged; and our troops, after fighting them two hours and a half, retired. The witness further stated, that he does not know, whether any of our troops were taken prisoners, except some wounded officers and men; nor except by report, whether we lost any artillery.

The quarter-master general's accurate knowledge of events.

On being asked, by whom the dispositions for this engagement were made? he stated, that General Boyd was the senior officer on shore, and commanded; that he did not see General Wilkinson on shore, during the morning, nor does he know of any orders having been received from him. After the action, the troops, by direction of General Boyd, retired and formed in order of battle, on nearly the same ground they occupied the preceding evening, and continued there an hour. The infantry and heavy artillery, then received orders to embark, and between 4 and 5 o'clock in the afternoon pass-

* Veni, vidi, vici!!!

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ed over to the American side, at the head of the Long Saut. The dragoons and light artillery, who had been engaged with General Boyd, were ordered to advance on the Canada side, and form a junction with General Brown at Barnhart's. The next morning, the main body passed down the Saut, crossed to the Canada side, and also joined the corps of General Brown. None of the enemy (to his knowledge) made their appearance, while the army was at Barnhart's; but orders were there given for recrossing to the American side; and in the afternoon and night of the 12th, the dragoons and artillery horses passed over. On the morning of the 13th, the main body reembarked, and proceeded to French Mills, where they went into winter quarters.

On being asked, whether General Wilkinson's orders from Fort George, designated Grenadier Island as the place of rendezvous for the army? the witness stated, that he received no such order.

He further testified, that he furnished boats, and other transportation for the provisions, and hospital stores of the army; the storage and embarkation of which was managed under his direction, by officers of his department. After their embarkation he had no particular charge of them; and the hospital stores were then under the care of the hospital department.

The quarter-master-general complains, to General Wilkinson, respecting the destruction, of provisions, and the General's answer.

Some of the provisions thus embarked, were lost and wasted in the passage from Sackett's Harbour down the St. Lawrence; they were frequently left on shore by officers of the line, having charge of the boats. This occurred, continually, at the various points of landing, between Sackett's Harbour and French Mills. It was a subject of continual complaint, from the contractor, and the deponent having witnessed the depredations, had a special conference with General Wilkinson, in which he protested against such procedures; and requested him to issue an order to prevent the destruction, and obliging the officers to take care of them. General Wilkinson replied substantially, that the contractors were bound to take

care of the provisions, and that it was not the duty of the officers of the army, to take charge of them; no further conversation passed on the subject.

The witness also stated, that the provisions which accompanied the expedition were United States property, and had been receipted for by the quarter-master's department. That the contractor's agent accompanied the expedition, received from the witness, the provisions as a deposit on account of the United States, and was therefore merely an issuing commissary. The loss, if any occurred, was to be sustained by the United States.

The witness on being asked, if there was a council of war held in the vicinity of the village of Hamilton; replied that there was an assemblage of the principal officers, on board of General Wilkinson's vessel above the White House; but has no recollection, that General Wilkinson proposed to them, to discontinue the expedition.

He proceeded to testify, that he received from General Wilkinson, on the day of its date, the original of the following letter.

"*Head Quarters, Sackett's Harbour,*
August 25, 1813.

"Sir,

"I beg leave to reiterate, the verbal orders given you some days since, for mounting the whole of the dragoons, with the utmost despatch. An officer or officers of that corps, must attend your agents, to superintend *these* purchases; and you will be pleased to apply to Major Luckett on the subject. Produces General Wilkinson's letter, 25th Aug. 1813.

"To my order of the 22d inst. respecting the providing of water transport, suitable to navigate shoal and rapid streams; I will now add my desire, that it should be made, amply sufficient to bear 7000 men with their camp equipage, baggage, clothing, &c. two months provisions, about 20 battering cannon, and 40 field pieces with equipments, and 300 rounds of ammunition each; together with the stores and attiral of the ordnance,

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quarter-master's, medical and other departments, essential to the accommodation and comfort of an armament, destined to invade a hostile country; of this transport, a sufficient quantity to receive five thousand men, and the appendages and appurtenances herein enumerated, should be held in readiness at Niagara, the 10th of next month; and the residue at this place, by the 15th, at furthest.

"With much consideration and respect,

"I am, Sir, your obedient servant,

"JAMES WILKINSON,

"*Major-general, commanding.*

"*Brig. Gen. Swartwout, Q. M. Gen.*"

"I certify the above to be a true copy of the original in possession of Brigadier-general Swartwout, Q. M. Gen.

"SMITH COE, 29*th Inf.*

"*Plattsburgh*, 22*d Feb.* 1814."

Shortly before the expedition sailed from Sackett's Harbour, General Wilkinson applied to the witness for the foregoing document to copy, and return it to him.

After the expedition had terminated, he a second time, applied for it at Plattsburgh, on the 21st of February, 1814, mentioning at the same time, that it was the only important paper, of which he had not a copy; and that by some mistake, none had been taken, or if taken was lost. The witness promised to send it to him; he accordingly searched, found the order, and on the 22d February, in the afternoon, as he was enclosing it in a note, General Wilkinson's orderly entered with a note, of little importance, addressed to him; the witness requested the orderly to wait, as he had a communication to make to General Wilkinson; he accordingly enclosed, sealed, and sent it by the messenger. The same evening, while on a visit at Judge De Lord's, General Wilkinson's head quarters, his aid, Captain M'Pherson, came from an upper room, the witness asked him, if he had copied the order, as he would then take back the original, Captain

M'Pherson replied, that he had not time to copy it, but would do so, and send him the original next morning. Between 8, and 9, the ensuing morning, the witness received a note from General Wilkinson, requesting him to send the order he had promised. Astonished at the contents, he called immediately upon the General, and after the latter had breakfasted, shewed him the note, expressed his astonishment at it; stated what had passed the evening before, between him and Captain M'Pherson, and looking steadily in his face, said emphatically, "BY GOD! GENERAL WILKINSON THAT ORDER IS IN THIS HOUSE."* General Wilkinson expressed his regret, that he could not find it, but did not acknowledge, he had received it. He observed, that he would give one hundred guineas to have it, and appeared as much interested in the loss as the witness. Nothing more passed at this time, and no other person was present. The witness added, that after the preceding conversation with General Wilkinson, he called two or three times on Captain M'Pherson, but could not see him. On the 24th of the same month, he left Plattsburgh for Washington by permission of General Wilkinson.

Military language from a quarter-master-general to a commander in chief.

The court adjourned to Thursday, the 2d February, 1815, at 10 o'clock, A. M.

Troy, February 2d, 1815.

The court convened pursuant to adjournment.

The examination, of Brigadier-general Swartwout, being continued; he deposed,

That he had enclosed no other order to General Wilkinson, at the time last stated, to which, Captain M'Pherson could have alluded. That he had shewn to the former, one or two other orders, but he observed those were not the right ones. It was the order for mounting the dragoons, and furnishing the transportation he wished.

* It would be uncharitable, to give the quarter-master-general credit, in this instance-though on his oath, indeed, by his answer, to the 37th question, on his cross-examination, he forbids the world to do so.

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The witness further testified, that in the evening of the 6th of November, between 7 and 8 o'clock, he saw General Wilkinson in his barge, about twenty yards distant, moving along the line of boats, prepared for passing Prescott; he came up, within twenty or twenty-five yards of the witness's boat, hailed him, presumed every thing was prepared, and wished a safe passage to him and the army.

Questions by the Judge Advocate.

1*st Q.*—Did you notice any thing unusual in his conduct at this time?

A.—No, Sir.

2*d Q.*—Did you notice any marks of intemperance?

A.—No, Sir. It was impossible to discover any thing of this kind; it was after dark, and his boat not nearer than twenty or twenty-five yards.

3*d Q.*—Was there any thing unusual in his voice?

A.—There was not.

4*th Q.*—Did you see him at any other time, during the evening?

A.—I did not.

5*th Q.*—Did you see him, on the morning of the 7th, after passing Prescott?

A.—I saw him about from 10 to 12 o'clock, below Ogdensburgh, on board of his boat.

6*th Q.*—Did you see any marks of intemperance at this time?

A.—None at all; he was sick.

7*th Q.*—Was there a skirmish with the enemy, on the morning of the 9th of November?

A.—I do not recollect that there was.

8*th Q.*—Do you recollect what day, the enemy's gallies came up, and harassed our rear?

A.—I think it was the 10th of November.

9*th Q.*—Had it been in contemplation to pass Prescott, on the night of the 5th of November?

A.—It had. In the afternoon, while on the river, there was an order to that effect, and I understood they were to pass without halting. This order was countermanded in the evening, as they approached the place.

10*th Q.*—Why was it not executed?

A.—*I do not know.**

The judge advocate having closed the direct examination of the witness, General Wilkinson proceeded to cross examine him, as follows.

1*st Q.*—When Major-general Wilkinson had the honour to command you, was he not indefatigable in the public service?

A.—I do not think he was.

2*d Q.*—Did he land at the mouth of the Genesee river from an open gig? Was not the day rainy or misty? Did he not complain of ill health, and by your advice change his gig for an open wagon, in which he proceeded alone for Niagara, a little before dusk?

A.—To this I answer in the affirmative.

3*d Q.*—After General Wilkinson's return to Sackett's Harbour, was he not generally ill, and confined to his room or bed?

A.—He frequently was.

4*th Q.*—Did not General Wilkinson uniformly manifest great zeal, solicitude and vigilance, in the execution of his duty? And did he not appear, at all times, deeply concerned for the honour and comfort of the troops, and for the interests of the nation?

A.—He so expressed himself.

5*th Q.*—What was the state of the weather as to wind, and what the apparent health of General Wilkinson, when he arrived at Sackett's Harbour, on the 4th of October?

* How does it happen, that a quarter-master-general, could be ignorant on such a subject as this? This happy obscurity belongs peculiarly to the Quarter-master-general Swartwout; no other quarter-master-general in the world, could or would have been enveloped in it.

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A.—To the best of my recollection, he came into the harbour with a fine breeze, between three and four in the afternoon, and his health appeared tolerably good; though I saw him but a short time.

6*th Q.*—When General Wilkinson arrived at the Harbour, was the situation of the American and British squadrons, on lake Ontario, known at that port?

A.—Not to my knowledge.

7*th Q.*—Do you know on what day, Commodore Chauncey, returned with the squadron, to Sackett's Harbour?

A.—I do not.

8*th Q.*—Can you be positive as to the state of the weather, as it respects winds and other circumstances, on the 5th, 6th, 7th, and 8th, of October?

A.—I think it was generally good.

9*th Q.*—Was it known at Sackett's Harbour, before General Wilkinson arrived there, on the 4th, what was the situation of the division of the troops, expected from Fort George, or whether they had sailed or not?

A.—I do not know that it was.

10*th Q.*—Was the division of troops at Sackett's Harbour, organised and fitted, in all respects, to take the field, and give battle to an enemy, before General Wilkinson arrived there, on the 4th of October?

A.—I WAIVE GIVING AN OPINION.*

11*th Q.*—Are you certain, that the gun barges, fitted out at Sackett's Harbour, were armed, manned, and equipped, for sailing, within four days, after General Wilkinson arrived there?

A.—*I am not certain, but believe they were.*†

* What will the reader think, of a Quarter-master-general, who could give such an answer as this, and upon such an occasion. A candid man in *his* station, possessing the most ordinary qualifications for it, might have answered in the affirmative or negative, according to the dictates of his conscience. Was it to conceal his ignorance, or to suppress the truth, that this answer was given?

† How, under existing circumstances, could he be ignorant of such material facts?

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12*th Q.*—Can you mention the day, on which your orders directed you, to have transports ready at Fort George, for the embarkation of the troops at that post?

A.—My first order was from the 10th to the 15th of September; a subsequent one, I think, from the 10th to the 20th.

13*th Q.*—Can you say with confidence, what was the state of the weather, from the 20th of September, to the 4th of October?

A.—I CANNOT.*

14*th Q.*—Would it have been prudent, for the division of troops, at Sackett's Harbour, to have sailed for Grenadier Island, before it was ascertained, that our squadron could protect them, from the armed vessels of the enemy?

A.—*I think not.*

15*th Q.*—If the troops had arrived at Grenadier Island, and by any unforseen accident, the enemy had acquired an ascendancy on the lake, what would have been our situation?

A.—IT IS IMPOSSIBLE FOR ME TO SAY.†

16*th Q.*—Would any advantage, have been gained to the meditated expedition, in point of time, or of comfort and convenience to the troops, or of economy in the consumption of stores and provisions, by moving the troops, from Sackett's Harbour to Grenadier Island, before those expected from Fort George, were in readinesss to accompany them?

A.—*It is impossible for me to say.*

17*th Q.*—Were not many boats wrecked, in their passage from Fort George to Oswego? And did you not furnish other boats at Oswego, to supply the loss?

*, The quarter-master-general, is generally considered as the barometer of an army, and his journal as a complete authority.

† Here we have another proof, of the incapacity of the quarter-master-general, of the American army, selected by the secretary of war, (General Armstrong) for that important office; "It is impossible for him to tell" what would have been the fate of an army, on a small island, surrounded by a dominant naval force!!!

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A.—There were boats lost, and other boats furnished by my department, to supply the loss.

18th *Q.*—Were not other boats wrecked, between Oswego and Henderson's Bay? And did not some of the troops, march part of the way by land, in consequence thereof?

A.—I do not know the fact, except by common report.

19th *Q.*—Do you know at what time the front or rear of the troops, from Niagara, reached Henderson's Bay? and in what condition they were, on their arrival, as to provisions, clothing, arms and ammunition?

A.—I do not.

20th *Q.*—Were not materials furnished, and artificers sent to Henderson's Bay, to repair the boats in that harbour?

A.—I think they were.

21st *Q.*—Did not General Wilkinson issue orders, at Sackett's Harbour, to accelerate the movement of the troops, to Grenadier Island? And were not several attempts made, and defeated by adverse winds?

A.—Yes.

22d *Q.*—Is not the coast, from Sackett's Harbour to Grenadier Island, exposed and dangerous, for the navigation of small craft, when the winds set on shore?

A.—Very much so.

23d *Q.*—Was not the morning of the day, on which the troops sailed from Sackett's Harbour, favourable, and did it not become squally? And were not many of the boats wrecked, and a large quantity of provisions, with some of the clothing, and stores of the troops, thereby unavoidably lost?

A.—Yes.

24th *Q.*—While at Grenadier Island, were not several boats driven from their moorings, across the bay to the main land, and some of them wrecked? And was not a vessel returning to Sackett's Harbour, with the sick, stranded, with much hazard to the lives of those on board?

A.—Yes.

25th *Q.*—Were the provisions at Sackett's Harbour, embarked by order of General Wilkinson? And if not, by whose order were they embarked?

A.—General Wilkinson never gave any orders, to this effect, to my knowledge; *they were embarked by order of the secretary of war.*

Proofs of the secretary of war's improper interference.

26th *Q.*—Were you not ordered to provide transports, for two months provisions for 7000 men? And were you not directed to employ, several hundred boatmen?

A.—I was.

27th *Q.*—You have said, the provisions at Sackett's Harbour, were embarked under your direction, and that you receipted to the contractor for the same, making it public property? Did you take receipts for that provision? or did you make an inventory of the articles, put on board of each boat? And was any person, on board of each boat loaded with provisions, served with an inventory of such provisions? Or was application made to General Wilkinson, on the subject, before, or at the time, the provisions were embarked?

A.—I receipted for the provisions; TURNED THEM OVER TO THE CONTRACTOR,* AS ISSUING COMMISSARY, ON ACCOUNT OF THE UNITED STATES; I DID NOT THEN TAKE A RECEIPT FROM HIM. An inventory was made, but not for each particular boat, to my knowledge. Nor was any person on board of each boat, furnished with distinct inventories. *No application was made to General Wilkinson on the subject.*

28th *Q.*—You have said there were two or three days delay at French Creek; will you inform the court, how

* This transaction furnishes the following result: that the Quarter-master-general, without the privity of the commanding General, gave a receipt to the contractor, for the army provisions, by which the government was made responsible for, and the contractor absolved from all losses, and he immediately after turned the same provisions over to the contractor, but took no receipt for them, and it will be seen, that the same Quarter-master-general, in consequence of the refusal, of the commanding General, afterwards gave the contractor a certificate for the provisions, which he reported to have been lost, on the expedition, to a very considerable amount.

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long General Wilkinson remained there, after his arrival at that place?

A.—I think he was there, as long as I was, and that he arrived the same day.

29th *Q.*—Did the army wait for General Wilkinson at French Creek?

A.—Not to my knowledge.

30th *Q.*—Did not a considerable detachment, accompany General Wilkinson to French Creek?

A.—I think there did.

31st *Q.*—Would General Wilkinson have been justifiable, in leaving behind him, in the vicinity of the enemy, a corps of two, or three thousand men?

Decisive opinion of the quarter-master-general.

A.—*He might have been justifiable, or he might not.* The season being so far advanced, the weather fine, and no expectation of a continuance, I should not have thought it advisable, had I commanded the expedition, to have *waited, for two, or three hundred men,* twelve hours.

32d *Q.*—How long did the army remain, at French Creek, after the arrival of Colonel Randolph with his corps?

A.—Perhaps twenty-four hours. I think he arrived the morning preceding our departure.

33d *Q.*—Was there any unnecessary delay of the army at Morrisville?

A.—I think the delay of halting above Ogdensburgh, was altogether unnecessary.

34th *Q.*—Was there any unnecessary delay, in passing Prescott?

A.—I know of none after the troops were put in motion.

35th *Q.*—Was there any unnecessary delay, in the vicinity of the White House?

A.—I think there was not.

36th *Q.*—You have said, General Wilkinson asked you for the order, of the 25th August, 1813, at Sackett's Harbour, and Plattsburgh; Did he not ask you for an order, also, at the French Mills? And did you not promise,

on your honour, to let him have a copy of it, in one month?

A.—Not to my knowledge, but I some where promised him, that the original order, should be delivered to him, as soon after the termination of the campaign, as I could obtain my papers.

37*th Q.*—You have said, General Wilkinson wanted the original order, to take a copy of it; Why did you not furnish, or offer to furnish a copy, instead of sending the original, to General Wilkinson?

A.—*From feelings of delicacy* to my superior officer.*

38*th Q.*—For what purpose, did you cause the order to be copied, and the copy attested, before you sent the original?

A.—To guard against accident or design.

39*th Q.*—Are you sure, that when General Wilkinson asked you for an order, which he had given you at Sackett's Harbour, that he meant the order, which you say you enclosed to him, at Plattsburgh?

A.—I am certain and positive.

40*th Q.*—Did General Wilkinson issue an order to you, respecting forage, oats, &c.? Have you got that order? and did not General Wilkinson allude to it, when he requested the loan of an order to copy?

A.—I never, to my knowledge, received from him a written order on that subject, except one a few day's previous to leaving Sackett's Harbour, for furnishing forage for horses, then in the St. Lawrence country, and one to furnish forage near Cape St. Vincent, which was virtually countermanded by a subsequent order.

41*st Q.*—Do you know the name of the orderly, to whom you delivered the note, containing the order? Did you ever see him afterwards, or make any enquiry for him.

* For an exemplification of these feelings, the reader is referred to his impious asseveration of "By God, General, &c." in his preceding statement.

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A.—I do not know his name; never saw him afterwards; but made enquiry from General Wilkinson, who he was and where to be found: his reply was, that he could not tell.

42*d Q.*—How often did you call to find Captain M'Pherson, after your interview with General Wilkinson, on the subject of the order? Did you leave any word at his lodgings, or send him any note, on the subject, or take any other measures to see him, before you left Plattsburgh?

A.—I called twice or thrice: *I left no word at his lodgings, and took no other measures,* except calling upon him and not finding him.

43*d Q.*—Have you any reason to believe, that the order you speak of, was received by General Wilkinson? If so, what are your reasons?

A.—I have reasons to believe, the order was received by General Wilkinson, and they are founded on the reply of Major M'Pherson,* when spoken to on the subject, in the evening, and on General Wilkinson's conduct, when I spoke to him the next morning.

44*th Q.*—Do you recollect who delivered General Wilkinson's note to you, on the morning of the 22d of February, requesting you to send the order you had promised?

A.—*It was delivered by an orderly.*†

45*th Q.*—You say you was astonished at the contents of the note. Did you express your astonishment, to the person who delivered it? or what did you say?

A.—Certainly I did not express my astonishment, to the person who delivered it; but told him I would wait upon General Wilkinson immediately.

46*th Q.*—Having taken a copy of the order, and procured an attestation of it, previous to sending the origi-

* See Lieutenant colonel M'Pherson's deposition, in contradiction of this witness, as well as the testimony of Lieutenant Bell and Doctor Bull.

† Lieutenant Bell proves, that *he* delivered that note.

nal to General Wilkinson, could the withholding, or destruction, of the original order, by General Wilkinson, operate to your injury?

A.—I THINK NOT.

47*th Q.*—Was there any thing so peculiar in the order, that General Wilkinson could have any motive, for getting it into his possession?

A.—*It is not for me to determine.* The order to me was an important one, and General Wilkinson did not know of the measures, I had taken to guard against its detention or destruction.

48*th Q.*—When General Wilkinson asked you, for a copy of an order at Sacket's Harbour, did you not refer him to Major Brown your deputy?

A.—It is very possible, but it is not in my recollection. But I did not refer him to Major Brown, respecting the order before shewn in court.

49*th Q.*—Are you certain no order was ever given, by General Wilkinson to you, to lay in forage for the expedition?

A.—Orders were certainly given, and I took measures to execute them; but these orders were verbal.

50*th Q.*—Might not the letter delivered to the sergeant, for General Wilkinson, have been destroyed, or lost, by that non-commissioned officer?

A.—It was possible for him to lose it, but it was not possible, from the answer I received, from Major M'Pherson.

The court adjourned to Friday, the 3d of February, 1815, at 10 o'clock, A. M.

Troy, February 3d, 1815.

The court convened pursuant to adjournment.

The cross examination of Brigadier-general Swartwout, was resumed as follows:

51*st Q.*—You have said, that you took a copy of the order, sent to General Wilkinson, without his knowledge,

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to guard against its loss or detention, by accident or design. Had you any cause, at that time, to suspect General Wilkinson, of a design to destroy or detain this order? And if so, be pleased to assign your reasons for such suspicion?

A.—I had no reason, at the time, to suspect General Wilkinson, would destroy the order; that he might detain it was very possible. Sometime before the delivery of this order, General Wilkinson had told me, he had asked for a court martial: I do not recollect whether at Plattsburgh, Malone, or French Mills; and the detention of that letter might have a bearing upon his trial.

52*d Q.*—Did you not communicate the contents of the letter, now exhibited to you, to the then secretary of war, John Armstrong esq. at Sackett's Harbour, and inform him, that there was no forage in store, and that it could not be procured, nearer than Lowville, fifty miles distant?

A.—I did.

52*d Q.*—Were you not afterwards shewn a letter, by the said Armstrong, from General Wilkinson to himself, containing the following paragraph, viz. "If there be any deficiency of forage on our part, it is the fault of the quarter-master-general, who was instructed as early as August, to lay in a supply of 12,000 bushels, for the subsistence of the cavalry." Or was not the substance of this paragraph, communicated to you by the said Armstrong?

Thinks he saw General Wilkinson's letters to General Armstrong, but never communicated with General Wilkinson on the subject.

A.—*I think it very possible, that General Armstrong did shew me that.*

54*th Q.*—Have you ever, since that period, communicated with General Wilkinson, on the subject of said paragraph, or denied its truth and justice?

A.—I never have had any communication with General Wilkinson on the subject, either direct or indirect.

55*th Q.*—Did you never inform the late secretary of war, that General Wilkinson had procured from you, the original order of the 25th of August, 1814, a copy of which you have produced to this court, and that he had detained it from you, or had destroyed it?

*A.—I did communicate it to the secretary of war, and left a copy, of the attested copy, on file in the war office, for my justification.**

56*th Q.*—Were not steering oars, for descending the rapids of the St. Lawrence, ordered to be made at Grenadier island? Was this done?

A.—An order was given, and executed as far as practicable.

57*th Q.*—Were not steering oars ordered to be made at French creek? and was this done? and if so, was not this a cause of detention?

A.—Not to my knowledge.

58*th Q.*—You have said, it was your opinion, that the army might have safely moved down the river, on the morning of the 10th November; What were the grounds of your opinion?

The quarter-master-general's reasons, for moving down the river, on the 10th Nov.

A.—Seeing none of the enemy myself in the early part of the day, and the fire in our rear being scattered and distant, I did not believe, the *pressure of so small a force,*† ought to have prevented their movement.

59*th Q.*—After the affair of the 11th, were you of opinion, that the army might have moved down the river, on the 10th, without obstacle, leaving Boyd to follow Brown,

* It appears from this, that the quarter-master-general, was one of Mr. Secretary Armstrong's secret informers.

† Yet it appears from his testimony, that the enemy which pressed the rear of the army, on the 10th, shewed 2500 men in "battalia" on the 11th, and that this force was beaten back, by 1700 of our undisciplined troops, upon a reserve of 700 men, making the whole strength of he enemy 3200 men; to whom he thinks, we could have *shewn our rear, with safety, on a line of march, in single column, flanked on the right by the St. Lawrence, and on the left by woods and ravines:* in many places without room to change front, or form in order of battle; here the Quarter-master-general displays, the professional intelligence, manifested by *General Brown,* in *his affair* of the 10th, when he compelled Captain M'Pherson, of the light artillery, in spite of his remonstrances, to form his *battery* in a *hollow,* for the *advantage* of elevating his pieces, to *fire* at the *enemy* on the opposite *heights.* Well might Colonel Peirson, who was opposed to us on the 10th, exclaim to Captain M'Pherson, who visited him at Cornwall, with a flag of truce, "Ah! Sir, your troops are the bravest men I have ever seen, but your officers know little of service."

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and are you still of the same opinion? and if so, what are the grounds of your opinion?

Opinion not changed by the battle of the 11th.

A.—The battle of the 11th did not change my opinion, with respect to the 10th.

60*th Q.*—You have said, that previous to the 10th of November, you had received no information, that the enemy were following in the rear of our army; What was your information, or belief, as to their strength, previous to, or on the morning of, the 10th?

A.—Their strength was variously stated; their distance also was variously stated: *and I had no knowledge of their force or distance.**

61*st Q.*—Was it not reported, when the troops lay near the White House, that the enemy were posted along the bank of the river below, with intention to fire on the boats, as they descended?

A.—I believe it was so reported.

62*d Q.*—Would not such a disposition, have greatly annoyed the army, on its passage in boats? And was it practicable for the troops, to have defended themselves from their boats, while in motion?

A.—Such a disposition, would, undoubtedly, have annoyed us very much.

63*d Q.*—You have said, you suppose General Brown was detached to take some fort; Was it not reported, known, or believed, that the enemy occupied a block house on the Long Saut; and also were posted, along the left bank of the river, to annoy our boats, and to gall the troops in their descent of a long rapid, when they could make no resistance?

A.—It was so reported.

64*th Q.*—Did not the enemy engage General Brown, at, or near, a block house, on the bank of the river, on the Saut, about noon on the 10th? And did you not hear the firing?

* This Quarter-master-general, without knowledge of the force or movements of the enemy, and ignorant of *distance*, time, or weather, presumes to decide on, what ought to have been, the operations of the army.

A.—I did not hear the firing, but understood that General Brown had an engagement.

65*th Q.*—Have you not since understood, that the force opposed to General Brown was 800 men, or thereabouts?

A.—I have not.

66*th Q.*—Did you hear on the morning of the 10th, that several hundred of the enemy had taken post, on an island in the Long Saut, with a view to attack our flotilla, in its descent? And was not Colonel Bissell with his regiment, a party of artillery, and some of our armed boats, detached to drive them off, or capture them, on the morning of the 11th?

A.—I believe they were.

67*th Q.*—Did you know why General Wilkinson, was not on shore, on the morning of the 11th November.

A.—I do not know, but presume from indisposition.

68*th Q.*—Did you ever hear, General Wilkinson make use of any language, openly and publicly, during the expedition of the troops, down the St. Lawrence river, in 1813, calculated, to cause or countenance negligence, or waste among the officers under his command; or to inculcate upon their minds, a disregard to the preservation of the public property?

A.—None other than what I have before testified to. I do not recollect that any persons were present, at our conversation on this subject.

69*th Q.*—You have stated, that the hospital stores were, after embarkation, under charge of the hospital department; What officer of that department had them in charge?

A.—The senior officer I presume, I believe Dr. Ross.*

70*th Q.*—As you have stated, that the stowage of the hospital stores was under your direction, were they secured in transports, specially assigned to that service, or were they promiscuously mixed, with the provisions and ammunition, and on board of different vessels?

* Doctor Ross, on his oath, positively contradicts this declaration.

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A.—The gun-boats were specifically assigned for that purpose; and I understood they were put on board.

71*st Q.*—Did any officer, engaged on the expedition, know where to find them? and if so, will you be pleased to name him?

A.—Major Brown.*

72*d Q.*—Were not the boats on which provisions were loaded, much crowded? And was not the complaint on this account frequent?

A.—Yes.

73*d Q.*—How long have you acted, as quarter-master-general to the army?

The quarter-master general contradicted, with re-

A.—From the 21st March, 1813; that is the date of my commission. I offered my resignation on 1st April, 1814;† it was not accepted; and in the month of August

* Contradicted by the testimony of Doctor Bull.

† At a general court martial, convened at Troy, in New York, Major James Reese, *Deputy Quarter-master-general*, on the 25th February, 1815, declared on oath, that in January, 1814, there were two quarter-masters-general, who acted in the military district, No. 9., to wit, General R. Swartwout and Colonel Jenkins, and that he received his orders from the former; that previous to this period, Colonel Thomas had, also, acted as quarter-master-general, in the same district; that Brigadier-general Swartwout, resigned his commission, of quarter-master-general, in the United States army, in the winter of 1814; which was accepted in a general order, dated, "Adjutant and Inspector General's Office, Washington, February 1, 1814," an extract from which, is in the words following: "The resignation of Major-general Wade Hampton, Brigadier-generals Thomas Parker, David R. Williams, and Quarter-master-general Swartwout, chief of the department, has been accepted." I saw General Swartwout, continued deponent, the first week in September, 1814, and mentioned the fact of his resignation having been accepted, and that the general order to that effect, had been published in the encampment at Plattsburgh, 19th April, 1814. He replied, it had not been accepted, and shewed me a letter, from the secretary of war, directing him to resume his duties.

The people of the United States will hardly believe, that President Madison, in violation of the constitution, has on his own authority, continued this citizen, in the highly important military station, of quarter-master-general, from the 1st of February, 1814, upwards of two years, yet it is a solemn truth; but the President, like the King,

last, was ordered to resume my duties. My orders from the war department, were dated, I think on the 21st or 22d of that month.

spect to the fact of his resignation, by the deputy quarter-master-general Reese.

74th Q.—When at Sackett's Harbour, between the 15th and 20th of October, 1813, were you not opposed to an attack upon Kingston?

A.—I was in the early part of October, decidedly of opinion, that Kingston should be attacked; presuming it would retard the operations of the army, from four to eight days, between the 15th and 20th, my opinion changed, on account of the advanced state of the season. Afterwards at French Creek, General Brown and myself, were in favour of an attack upon Kingston, in preference to going to Montreal, in the first instance. We mentioned it to General Lewis, who substantially replied, that it was unnecessary to mention it to General Wilkinson, as he was fixed to go to Montreal. I have no knowledge, that this idea was ever suggested to General Wilkinson. I believe General Wilkinson, at the time, last stated, was confined by indisposition, but do not know that he was extremely ill.

75th Q.—Did you not, at the council of war of the chief officers, near the White House, vote in favour of prosecuting the expedition against Montreal? And did you not at that time, calculate on the junction, of the division of Maj. Gen. Hampton, at or near St. Regis?

A.—I did.

The quarter-master-general votes, for the continuance of the expedition, under an idea, that General Hampton's force would join.

76th Q.—If you had known at the time of this council, that Major-general Hampton would not join General Wilkinson, would you have voted to continue the expedition against Montreal?

A.—*My opinion, certainly, was influenced by the information that General Hampton was to join us.*

can do no wrong, and therefore his conduct must not be questioned, although he should foster the friends, or adherents of Aaron Burr, at the very time that he degrades, and destroys the man, who baffled their treasonable projects; saved the nation from a civil war, and secured to Mr. Madison, the high station, which he has abused and disgraced.

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77*th Q.*—You have said, you do not think General Wilkinson, was indefatigable in the public service. Will you be pleased to point out an instance, in which he was not indefatigable, whilst his health permitted him to be so?

A.—I can answer that question generally only. I have before stated, that I believe there were unnecessary delays at Sackett's Harbour, and other places on the river. *How far want of health influenced these delays, I cannot undertake to say.*

78*th Q.*—For what reasons did you, at Frenck creek, change your opinion, *from the attack of Montreal, to the attack of Kingston?*

A.—*From the advanced state of the season,* and the tardiness of our movements, from Sackett's Harbour, to that place.

79*th Q.*—Did you hear or understand, at the time, that Commodore Chauncey, interested himself to effect this change of disposition, in the operations of the campaign; and did not the Commodore request, either, you or General Brown, to urge the matter to General Wilkinson?

A.—I understood from General Brown, at French creek, that Chauncey's opinion, coincided with that of General Brown; but I did not understand, that he had requested him, to state it to General Wilkinson.

80*th Q.*—Did you, pending the campaign of 1813, receive orders from the late secretary of war, John Armstrong esq.; and will you be pleased to state what they were?

A.—I will shew the orders I received.

"*War Department, Oct.* 16*th,* 1813.

Further interference of the secretary of war. His order for erecting huts, for 10,000 men, in Canada.

"Sir,

"You will have all the huts near Fort Volunteer, put into such repair, as may be directed by Doctor Tilton, for the accommodation of the sick. They should be well roofed, chinked, and clayed, and each room should have a window, sashed and lighted through glass. This must be attended to immediately.

"If among the troops left there, there be any carpen-

ters, they should be detailed for that service, and exempted from all other while so employed.

"To be prepared against contingencies, as to winter quarters, you will despatch an active intelligent assistant, to the Chateaugay river, who will report to General Hampton, and take his directions. With regard to the place of hutting an army, of ten thousand men, the views which should govern in making the selection, are healthiness and military strength of position; facility of supply; future and prompt operations against the enemy; *and the government of the cantonment and its environs, by martial law exclusively. This last will necessarily carry it, within the limits of Canada.*

"Detachments *of the militia* may cut the logs, and erect and cover the huts; but in all this Major-general Hampton will direct. Glass, nails, and hinges, should be sent from Albany. One window to each room, of 20 feet, will be sufficient.

"If General Harrison should arrive on the Niagara, your deputy there should be instructed, to quarter his troops in the town of Newark.*

"I am, Sir, respectfully yours,

"JOHN ARMSTRONG.

"*Brig. Gen. Swartwout, Q. M. Gen.*"

His order to me, for embarking the stores, was verbal.

81*st* Q.—Did you consider yourself bound to obey the orders of the said secretary of war?

A.—Unquestionably, at all times.

82*d* Q.—You say you were so oppressed, by the double duties, of quarter-master-general and brigadier, that you

* This explicitly proves the interference of the secretary of war, General Armstrong, with the quarter-master-general of the army, placed under my command, by giving him orders for the execution of works; which plainly indicate the secretary's expectation, that the army could not reach Montreal. These orders and arrangements, were carefully concealed from me, a circumstance unprecedented in military history, and calculated to defeat the best concerted operations, by distracting the service, and superceding my authority, over my subordinates.

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did not at all times, know the day of the week, or month. Was not the command of a brigade earnestly sought by you?

A.—It was; I certainly sought it with great avidity.

83*d Q.*—Were not objections made, by certain officers, to your having a command in the line?

A.—Not to my knowledge.

84*th Q.*—Did you not apply to General Armstrong, the secretary of war, on this subject? And did he not by word or letter, to General Wilkinson, remove the difficulty? And were you not consequently appointed?

A.—I applied to General Armstrong, and think it very probable, he conversed with General Wilkinson on the subject.

Question by the court.—What was your opinion, of the enemy's force in our rear, on the evening of the 10th?

A.—They appeared in such force, that it was deemed expedient for the troops, to lay on their arms all night, and unusual vigilance was exercised by the officers on duty.*

Colonel King's evidence commences.

Colonel WILLIAM KING, of the 3d rifle regt. being sworn and examined as a witness on the part of the prosecution, testified, that in the month of November, 1813, he was attached to the army, as adjutant-general to General Hampton's division; that on the 6th of November, he saw General Wilkinson, about five or six miles above Ogdensburgh; General Lewis accompanied him, and they met General Wilkinson on the St. Lawrence; he had been reconnoitring Prescott; they afterwards were a few minutes on shore, then went on board his schooner, when, the General spoke in such a manner, as to induce him to suppose, that he was dissatisfied with his situation, and the state of the army he commanded. He mentioned a council of war, that had that day been held; that he submitted to it, the state of his provisions and ammunition, and added that they had determined in council, that the

* In a former part of his testimony, he declared, he had no knowledge, of the force or distance of the enemy.

army should pass Prescott that night. He spoke in such a manner, as to induce me to suppose he was dissatisfied with the decision; damned the army, wished he had been in hell, before he saw it. The witness considered the conversation unimportant, and it made no great impression on his mind; of course, cannot be so particular as he otherwise might. In speaking of the army, he said that the troops he brought from Fort George, might be depended on; those from Sackett's Harbour, were of an inferior character.

1*st* Q.—At what time of the day was this?

A.—After dinner, about three or four o'clock.

2*d* Q.—How long did you continue with General Wilkinson?

A.—From one hour, to one and a half.

3*d* Q.—Was there any appearance of intoxication about him at this time?

A.—None.

4*th* Q.—Was his conduct the least violent or outrageous?

A.—No Sir.

5*th* Q.—Did you see General Wilkinson, drinking wine or other spirituous liquor?

A.—I drank two or three glasses of wine with General Wilkinson.

6*th* Q.—Did you see General Wilkinson the next morning?

A.—No Sir. I left the army before sun-set that evening.

The direct examination of Colonel King being finished, General Wilkinson proceeded to cross-examine him as follows, viz.

1*st* Q.—When you met General Wilkinson on the river St. Lawrence, the 6th November, do you recollect, the particular conversation which took place, respecting the motive of your journey, to the upper country? Of your

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visit to the troops, under General Wilkinson? Of the affair of General Hampton, on the Chateaugay, and the conduct of the troops there?

Witness sent by General Hampton, with a communication to the secretary of war, at Sackett's Harbour.

A.—I was sent by General Hampton, with a communication to the secretary of war, at Sackett's Harbour. On my arrival, at a short distance beyond Russell's, I met Lieutenant-colonel Campbell, from whom I learned, that the secretary of war, had left Sackett's Harbour for Albany; that General Wilkinson's army was descending the St. Lawrence, and that he, Colonel Campbell, was on his route to meet it at Hamilton. This information, induced me to seek an interview, with General Wilkinson, supposing it might be of importance to him, and beneficial to the public service, for him to know, the situation of General Hampton's division, and, also, whether he had any orders for General Hampton. In conversation with General Wilkinson, relative to the affair of the 26th of October, which General Hampton had with the enemy, on the Chateaugay, I stated to him, *that the corps which had engaged, on the right bank of the river, and which consisted of the best troops, had behaved in the most cowardly manner, and had disgraced themselves.* And I think I added, that he should not place any dependence on that division, after a junction should be formed.

Colonel King's character of the troops, engaged on the Chateaugay.

2d Q.—Did you not understand, that General Hampton considered himself independent, of General Wilkinson's commands, and that he was authorised to do so, by the secretary of war?

A.—When General Wilkinson first arrived, on the northern frontier, I did understand so, expressly from General Hampton.

3d Q.—Did not General Hampton, receive all his orders from the secretary of war, and make his reports directly to him, during the campaign of 1813?

A.—With the exception of one or two; he did.

4th Q.—Did not General Hampton refuse, General Wilkinson's orders, and decline his command?

General Hampton is proved,

A.—General Hampton remonstrated about it to the secretary of war; but as well as I can recollect, I sent certain

orders and reports, called for, by one of General Wilkinson's letters, to the adjutant-general of General Wilkinson's army. Previous to this communication, General Hampton always said, that he was not subject to the orders of General Wilkinson; and that his command was a separate one.

to have remonstrated, against being under General Wilkinson's command.

5th Q.—Did not General Hampton receive letters or orders from General Wilkinson, from Albany, in August, 1813? and did he answer those letters or orders?

A.—About that time, I think General Hampton, received one or more letters or orders, from General Wilkinson. General Hampton never answered to my knowledge. But the orders and reports, above alluded to, were made by his direction.

The court adjourned to Saturday, the 4th of February, 1815, at 10 o'clock, A. M.

Troy, February 4th, 1815.

The court convened pursuant to adjournment.

Judge advocate objects, to certain questions, put to Colonel King, as irrelevant.

The judge advocate renewed an objection, made yesterday, against the relevancy of the 2d, 3d, and 4th questions, proposed and answered, on the cross-examination of Colonel King, on the general ground, that General Hampton's operations, and the details which led to, and were connected with them, could have no bearings on the points in issue.

Upon the same principle, he opposed the admission of interrogatories, Nos. 7th, 8th, 9th, 14th, 15th, 16th, and 18th, which follow, and requested the opinion of the court.

Court overrules his objections.

Wherenpon *the court was cleared;* and having maturely deliberated upon the objections, submitted by the judge advocate, overruled the same, and decided that the interrogatories be admitted.

Judge advocate objects to other

The judge advocate also objected to questions Nos. 11th, 19th, 20th, 21st, and 22d, on the principle, that no witness is bound to answer questions, tending to his own

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discredit, or to criminate himself, in which objections the court concurred.

questions, in which the court concurs with him.

The cross-examination of Colonel King was accordingly resumed as follows:

6th Q.—Do you recollect at what time, to whom, or to what place, and by what conveyance, you transmitted the reports and returns, which General Hampton ordered to be transmitted, to General Wilkinson?

A.—I *presume* the reports were transmitted about the 1st of September; they were sent by mail, addressed to Colonel Walbach,* at Sackett's Harbour. The orderly, serjeant on duty, carried them to the post office at Burlington.

7th Q.—After General Wilkinson took upon him, the command of military district, No. 9., did not General Hampton tender his resignation, to the secretary of war, as an alternative, preferable to that, of submitting to be commanded by General Wilkinson?

A.—Yes, I believe he did.

Correspondence between the secretary of war, and General Hampton, referred to.

8th Q.—Was there a correspondence, between the late secretary of war and General Hampton, on the subject of General Hampton's, being under General Wilkinson's command, after the latter took command of military district, No. 9., and what was the result?

A.—I *believe* no correspondence came to my knowledge *officially* on that subject; but there was a correspondence on that subject. My impression of the result of it is, that after a junction of the two armies, General Hampton was to submit to General Wilkinson's command. The letter from the secretary of war, was read to me by General Hampton, but it might have been couched so ambiguously, as to allow of different constructions. No returns were however made afterwards to my knowledge, to General Wilkinson, by General Hampton, *but they were directed to the secretary of war.*

9th Q.—Was any person present, or near, when the conversation was held, which you ascribe to General Wilkinson, in his boat?

* Colonel Walbach contradicts this presumption.

A.—At the time that conversation took place, General Wilkinson and myself were seated near the stern of the boat; the officers of his family, were at some little distance; if they had listened, they might have heard, but they appeared to be occupied. Nearly similar conversation, also, took place between General Wilkinson and me, in the presence of General Lewis, while on shore, as far as related to the expression of General Wilkinson's feelings, concerning his own situation, and the state of the army.

10*th Q.*—When General Wilkinson made use, of the loose and idle expressions, which you ascribe to him, did it appear to you that he spoke, from deliberate reflection, or from the impulse of wounded sensibility?

A.—I considered it more an expression, of the feelings of the moment, than any deliberate sentiment.

Words made use of, by General Wilkinson, ascribed to feelings of the moment.

12*th Q.*—Did not General Wilkinson observe, in reply to your remarks, on the turpitude of the troops under General Hampton, that when joined to the corps, under his command, they would assume a different aspect, and act with a different spirit? or words to that effect?

A.—I have no recollection of any remark of the kind.

13*th Q.*—After the conversation with General Wilkinson, respecting the point of junction, with General Hampton, did he not request of you to take a letter to General Hampton? Were you not furnished with such a letter, and was it not read to you before sealing? or were not the contents explained to you?

A.—Yes.

14*th Q.*—Did you not visit the late secretary of war at Albany, with despatches from General Hampton, in the month of November, 1813? and be pleased to say at what time?

A.—I did, about the 20th or 24th of November.

15*th Q.*—Did you hold any conversation with the said secretary of war, respecting the operations of the campaign, and the meditated attack upon Montreal?

A.—I did.

16*th Q.*—Did not the said secretary of war, impute great blame to General Wilkinson, and justify General

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Hampton? And did he not denounce the said General Wilkinson, and say he would make him answerable, for the failure of the expedition to Montreal? or language to that effect?

A.—I cannot say he went so far, as to denounce General Wilkinson, or to say he would make him answerable for it: he attached blame to General Wilkinson, and authorised me to say to General Hampton, he attached no censure to him: he appeared to be perfectly satisfied, with the conduct of General Hampton.*

General Armstrong, secretary of war, attaches blame to General Wilkinson, but none to General Hampton.

17*th Q.*—Did not some conversation take place, between you and General Wilkinson, when you met him near Ogdensburgh, respecting a junction of General Hampton's corps? Was not the confluence of the St. Lawrence with the Atawa river, mentioned as the proper point; and did you not say, that General Hampton was not in force, to make his march to that point, against the enemy opposed to him? Was not the neighbourhood of St. Regis afterwards mentioned, as the point of rendezvous, for the two corps? Did not General Wilkinson ask you, whether he could depend, on General Hampton's, meeting him at that point? And did you not answer, "Certainly?" And was not this conversation held, when you were on shore, with General Wilkinson, before you went on board his boat, in the afternoon?

A.—Yes, but I will not be certain, whether on board his boat or on shore.

18*th Q.*—Did you not communicate, to the late secretary of war, the conversation held with General Wilkinson, on board his boat? and if so, will you say at what time, and for what purpose?

A.—I communicated this conversation,† when I had the honour of an interview with him, at Albany.

* Yet it will be seen, that this same right honourable secretary, did censure General Hampton to Major Lee, and stood pledged to General Wilkinson, to bring him to a court of enquiry.

† Colonel King thus acknowledges, he was another of secretary Armstrong's tale bearers.

CHAPTER III.

Examination of Brigadier-general Boyd commences.—His narrative.—His cross-examination by General Wilkinson. —States the transport to have been insufficient.—Not possible to have passed Prescott, the night the flotilla arrived at Ogdensburgh.—Council of war, held at the White House.—Decides upon proceeding down the river.—Votes for proceeding against Montreal, from a belief, that General Hampton's force would join.—British attack the pickets, on the morning of the 9th.—Enemy's gun boats return, in consequence of a battery erected on shore.—General Boyd's description, of the battle of the 11th.—Examination of Colonel Larned.—His orders from the Secretary of War, and General Wilkinson respecting paroled officers.—Testimony of Lieut. Reab, of 13th infantry, to the same point.—Examination of James Thorn, contractor's agent.—States he was interested in the contract.—Commences embarking provisions, on the 22d September; not all on board till 10th October, or some days afterwards. —A quantity of provisions lost on Fox Island.—Does not know, of any provision being left on shore, or wantonly wasted.—Witness accompanied the expedition, assumed the whole loss of provisions, and obtained affidavits of the facts, with General Swartwout's certificate, forwarded to the war department, for indemnity.—Contractor's report of rations remaining at Cornwall, Nov. 12th, 1813.—James Thorn's cross-examination.—Had no communication with General Wilkinson, on the subject of provisions lost, except at Plattsburgh, when he refused to certify for them.

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JOHN P. BOYD, brigadier-general in the United States army, was sworn and examined, as a witness, in support of the prosecution, and testified:

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Testimony of Brigadier-general John P. Boyd.

That in the month of September, 1813, he was attached to the army at Fort George, with the rank of brigadier-general: that about the 4th of September, General Wilkinson arrived at that place, and, as soon as his health would admit of it, he gave orders, to prepare the troops, for embarking on an expedition. The transports for this purpose, *never were in readiness;* inasmuch as, they never had a sufficient supply. He cannot, precisely, state the time, when those actually used, were prepared.

State of General Wilkinson's health, at the time of taking the command.

When General Wilkinson first arrived, he was so much indisposed in mind, and body, that in any other service, he would have perhaps been superceded in his command; he could not, therefore, have made the same exertions, as a man of vigour would have done. His health continued in this state, until the witness parted from him at French Mills. A very few days after his arrival, he issued orders, assuming the command; but stated, that his health would not allow him, to interfere in the details, or police of the camp.

Q.—Did General Wilkinson exert himself, to hasten the preparations for the embarkation of the troops, in any other way, than by issuing the general orders before mentioned?

A.—He had his staff always around him, who appeared to be busy, but I did not interfere.

The witness further testified, that he does not recollect, what was the state of the weather, during the fortnight preceding the sailing of the expedition; but, if it was about the time, that Commodore Chauncey was in the neighbourhood, it was tempestuous: that some few days before the main body sailed, a detachment embarked, which just broke from the shore, but, he thinks, did not go out of the river, then returned and debarked: it was either waiting for the protection of our navy, or on account of bad weather; there was some sufficient reason given. He has no recollection of any other embarkation, prior to that of the main body. About the close of the month, there was an alarm at Fort George; one afternoon, a deserter came in, with a paper, containing

information, that the enemy, was either to attack that night, or move off. General Wilkinson issued orders to the troops, to hold themselves in readiness; that two columns should move out of the camp; one in front of the camp, commanded by the General in person, the other towards Queenstown, commanded by the witness. The orders were to form, on the right and left of the Queenstown road, and should the enemy pass in by us, to fall on their rear, and cut off their retreat: none made their appearance: what was the amount of the enemy's force, in the vicinity, he does not know, as he was not in the councils of the General. The number of our troops at Niagara, and Fort George, was from 3,000 to 3,500, effective regulars. The fort, with the number of troops, was fully competent, for a defence against any force in that quarter; but after the embarkation, he conceived it must have been somewhat jeopardized.

Whether there was an actual embarking of the troops, on the day of the alarm, he cannot state; but the troops were several days on board their boats, either waiting for convoy, or the weather; and again landed at night. He cannot say how many days, the boats which were actually provided, were in readiness, before the actual sailing of the expedition, but not many.

After General Wilkinson was out, and engaged in the preparations, he knows of no neglect on his part; but as he before stated, he does not know, that his health would, at any time, admit of his doing effective duty.

The witness further stated, that he accompanied a part of the expedition, from Fort George to Henderson's Bay, before General Wilkinson left the former place. In consequence of a violent storm, the night succeeding the sailing of the expedition, the division of boats he commanded, was dispersed; many much injured; and the witness's schooner carried away her foremast by the board. He put into Eghteen Mile Creek, where a number of boats had assembled; many others were on shore, and wrecked; eight and nine miles above and below the creek. An express was, in consequence, sent to Colonel

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Scott, at Fort George, for a new supply of boats. About 11 o'clock, of the second day, General Wilkinson having left his schooner, came into the Creek, in a small boat to see what detained them; gave orders for hastening them; remained about half an hour, and proceeded. The witness does not recollect, whether the weather was more favourable one, two, or three days, prior to the actual sailing of the expedition; there was almost an incessant storm after leaving Fort George, until their arrival at Henderson's Bay. The flotilla which went into the creek, was out again the next day, and arrived at Henderson's Bay, from the 4th to the 16th of October.

The court adjourned to Monday, the 6th February, 1815, at 10 o'clock, A. M.

Troy, February 6th, 1815.

The court convened pursuant to adjournment.

The examination, of Brigadier-general Boyd, being resumed; he stated, that from his knowledge of the two fleets, he should say, the transports could not have started, from Fort George, and proceeded with safety, prior to the day of their actual sailing. That except at Eighteen Mile Creek, he did not see General Wilkinson, during the passage to Henderson's Bay, where he arrived on the 15th, or 16th of the month; the same day, waited on the commanding general at Sackett's Harbour, and returned the next morning. He remained two days at Henderson's Bay, and his detention was caused by, perhaps, one of the most violent storms, that ever was witnessed. It was a matter of curiosity, to see twenty or thirty large trees blown down by it. On the 18th October, he landed at Grenadier Island, and assumed the command; part of his division of boats, had arrived before him, and part some days subsequent, being very much scattered. There were many boats lost, some driven on shore, and a quantity of provisions lost or stranded. Some days after his arrival, General Brown with his own brigade, part of the witness's, and some artillery, sailed for the St. Lawrence. A day or two after, he was

ordered by General Lewis, to embark the remainder, but owing to the weather, had to relinquish the attempt. When General Brown sailed, the boats for the remainder of his brigade, were not ready; the witness never had transports enough, and he stated to the quarter-master-general, that he should be obliged to leave some of his men on shore, unless they were furnished with more boats.

Having entered the St. Lawrence, they arrived at French Creek, on the 3d of November, and left there on the 5th. They were ordered to move before daylight, but the advance did not get off before 9 o'clock, and arrived below Morrisville, about 10, 11, or 12 o'clock, at night. During their stay at French Creek, and subsequently, they could observe the Canada shore, but he is not acquainted with the extent of the river across, he saw no troops, no signals flying, nor any indications of communicating intelligence, on the British side. In the afternoon of the 9th of November, from 2 o'clock to near sun-set, the expedition arrived at a point of landing, on the Canada shore, near Chrystler's field. His brigade struck the shore, part landed, and the remainder slept in their boats. On the morning of the 10th, by daylight, General Brown was detached in advance, down the river, with his own brigade, the elite, and some artillery; he could not state the aggregate amount, of the above, but the impression was, that it might be from 2300 to 2500 men. The remainder of the troops, on shore, were under the command of the witness. There was an order, from General Wilkinson, to that effect; and also that General Brown should move in advance; that General Boyd should command the rear guard, and should the enemy advance upon him, beat him back. Nothing was left to the discretion of the witness, in the orders of the 10th and 11th, but he had positive directions, should the enemy advance, to beat him back, and pursue his march. He was senior officer on shore, but was not consulted as to the operations, or movements of the army, on those two days. He presumes, General Wilkinson's health

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was such, as not to allow him to come on shore, and he did not see him during the time. On the 10th, about 9 o'clock at night, after the troops had returned, from skirmishing, with the enemy in the rear, and had been harassed in marching, and countermarching, during the day, he found himself commanding officer on shore; went on board of General Wilkinson's boat for orders; to report the affair of the day, and to ascertain who was commanding officer. Colonel Pinkney, the aid of the General, informed him, that he could not see General Wilkinson, he was too unwell, and referred him to General Lewis, for orders. He accordingly, boarded General Lewis's boat, and received his orders to return on shore, and defend his position, and the flotilla for the night. He did so. The next morning, when the fatigued soldier rose, from his wet and unsheltered bed, he received orders, from General Lewis, to proceed down the river.

After the troops were already in motion, he received an order from one of General Wilkinson's aids, arresting his march. About 10 o'clock, the enemy's gun-boats turned a point, commenced a cannonade, upon some of our gun-boats, without effect, and retired up the river.

During the fore-part of the day, a variety of verbal orders, were brought to him by the aids of the commander in chief; most of which, by General Swift. These were, generally countermanded, before they were executed.

The troops were paraded, in an open space, and between them and where the enemy were supposed to be, was a piece of woods. Between 12 and 2 o'clock, during a violent storm, and the troops having been nearly forty-eight hours under arms; the witness, impatient for orders, rode down to the bank, and received from General Swift, an order written with a pencil, directing him, to put the troops in motion, in twenty minutes, or as soon as four pieces of artillery should be landed, and dragoons dismounted to draw them. Before this time had expired, one of his videttes rode up and informed him, of

the enemy's appearance. He understood, that the delay during the forenoon, was occasioned, by want of information from General Brown, and that this had just arrived. Subsequent to the pencilled order, and during the engagement which ensued, he received no order, from the commander in chief; but received some information from General Swift, (more than an hour after the battle commenced, and after having driven the enemy over the first ravine,) that a reinforcement was coming up, and a supply of ammunition; but the troops had already been supplied by his dragoons. From the report made to him, a day or two after the battle, the number of troops under his command, (exclusive of the artillery and dragoons) amounted from 1100 to 1200 men. The number of the enemy from observation, and the opinion of the officers present, could not have been less than 2500 men, exclusive of the gun-boats. That the operations of the army, during the action, were annoyed by the shot and shrapnell shells, thrown from the latter. The British right rested on the gun-boats. The field of battle was so situated, as to allow considerable execution from the boats, and our army felt the effects. It was well ascertained, the number of boats amounted to nine, and there must have been at least one gun to each. Our loss in the action, was three hundred and thirty-nine killed and wounded, with one piece of artillery. Some few prisoners were taken from the British. After the battle, our troops embarked, some crossed over to the other shore, and the remainder moved down the river.

Being further examined, the witness stated, that he conceived it would have been practicable, to have moved down the river, on the morning of the 10th, without being materially molested by the enemy, in the rear; because, whenever they turned about, they drove the latter; and were most of the day engaged in marching, countermarching, and skirmishing. He added, that he was not consulted, about the detachment of General Brown, in the morning.

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The direct examination, of Brigadier-general Boyd, being closed, General Wilkinson proceeded to cross-examine him, as follows:

1*st Q.*—On your passage, from Fort George, were you driven into Oswego; and how long, did you continue there?

A.—I was. I cannot say, precisely, how long; but remained a number of days, and wrote to General Wilkinson during the time.

2*d Q.*—Could any individual officer, have accompanied and commanded the troops, on their movement, from Fort George, to Henderson's Bay, or Sackett's Harbour?

A.—I should think it not possible.

3*d Q.*—In what condition, did you find the quarter-master-general's department, when you arrived at Grenadier Island?

A.—There were complaints made for want of stores and boats?

4*th Q.*—Did you see any wanton waste, or destruction of provisions, by the troops, during the campaign?

A.—Not more than is common, to armies in general.

5*th Q.*—Was General Swartwout under your orders, when you left Grenadier Island, and did he accompany you to French Creek; and did he sail from French Creek, at the time you did?

A.—He did, but I always was in advance.

6*th Q.*—Have you any knowledge of a boat, or boats, being driven on shore on Grand Island, with a considerable quantity of provisions on board?

A.—I know there was a boat driven on shore, but not her contents.

Transport insufficient.

7*th Q.*—Were you at any period of the campaign, provided with sufficient transport, for the comfort and health, of the officers and men of your brigade?

A.—I was not.

8*th Q.*—Do you recollect whether any confusion occurred, among the boats of the army, the night you land-

ed above Ogdensburgh? Were not the corps scattered and mingled, and could the flotilla, have passed Prescott that night in order? CHAP III.

A.—The flotilla was certainly very much in disorder, as might be expected from landsmen rowing, in a rapid stream. It was not possible, to have passed Prescott, that night, in order; it was impossible for us to move in the regular order prescribed. Every arrangement was made, in orders, for the general movements, and plans were furnished us. Not possible to pass Prescott that night. Flotilla in disorder, from landsmen rowing in a rapid stream.

9th.—Can you say what is the distance from French Creek to Ogdensburgh? Did not the troops, ply their oars from French Creek, to the point of landing above Ogdensburgh; and were not the men much fatigued when they landed?

A.—I know not the distance; the men were much fatigued, when they landed; and they both sailed, and rowed. Men much fatigued.

10th Q.—Was not the halt the next day, employed in preparing the boats, to pass Prescott, by muffling oars, landing ammunition, and detaching all the troops to pass by land, excepting bare crews to work the boats?

A.—It was the apparent business of the day.

11th Q.—Was there any council of war, held at the point of halting, above Ogdensburgh; what was the subject of such council, and was General Swartwout present?

A.—There was a consultation, of the principal officers of the army, on board of General Wilkinson's boat, about 12 o'clock. The subject was, whether Prescott should be taken, and the sentiment seemed to be, that, as the post was strongly fortified, and its reduction would require some days, they should pass it that night; which was accordingly done. General Wilkinson, at the same time, exhibited a letter he had written to General Hampton, which was forwarded by Colonel King. This letter was predicated, either upon a communication, or letter from General Hampton. I am not certain, that General Swartwout was present, but presume he was.

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12*th Q.*—Did you observe any body of armed men, on the Canada shore, after the troops past Prescott?

A.—I did not.

13*th Q.*—Was there a council of war, of the general officers, held at the White House, on the 8th of November? Was not a state of provisions, exhibited at that council, with an estimate of the strength of the corps, under General Wilkinson's immediate command; and information given by General Wilkinson, of the expected junction of General Hampton, at St. Regis, with 4000 men? and also the strength of the enemy below, on the St. Lawrence, and in the quarter of Montreal? And was not the question submitted, whether the corps under General Wilkinson's immediate orders, should proceed against Montreal or not? and what was the decision?

Council of war, held at the White House.

A.—There was a council; that question was submitted, and the decision of the council was to go down.

14*th Q.*—At the time of this council of war, of the 8th of November, if you had believed, that General Hampton would not have formed a junction, with General Wilkinson, would you have voted to proceed, on the expedition to Montreal?

Would not have voted to go to Montreal, if he had not believed General Hampton would join.

A.—I should not.

15*th Q.*—Did not a body of the enemy, follow the troops under General Wilkinson, down the St. Lawrence? Have you any idea of their numbers, or the time of their arrival at Prescott?

A.—On the night of the 8th of November, General Wilkinson, who was on the Canada side, sent word to us, that the enemy were following; that I should take post some distance above, at a bend in the river; and it was further stated, that he had already heard of their arrival, at Prescott, and that they were approaching.

16*th Q.*—Was not the rear of the corps, under General Wilkinson, menaced by the enemy on the morning, of the 9th of November, while at the White House; and did not the flotilla sail with the troops, so soon as the cavalry had finished crossing?

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British attack the pickets, on the morning of the 9th.

A.—There was an attack made on the pickets, on the morning of the 9th, on the British side; what the hour was, when we moved off, or what detained us, I do not recollect; neither have I any recollection, of any of the dragoons crossing in the morning; the officers' horses may have crossed.

17th Q.—Suppose the army, of General Wilkinson, descending the St. Lawrence in open boats, and the enemy posted on its shore, with musquetry and artillery, what would be the consequence?

A.—They might have killed some men, and destroyed some boats.

18th Q.—Was it not reported, that such was the disposition of the enemy, on the St. Lawrence below, and was not General Brown sent forward, to scour the coast, for the safe passage of the boats.

A.—That was not communicated to me; I so understood it.

19th Q.—Can a body of infantry, on shore, keep pace with floating boats, on the St. Lawrence, after you get into rapid water?

A.—No.

20th Q.—Was it not reported, that the enemy had taken post on the Long Saut, in a block-house, to annoy the troops in descending? And was not General Brown detached to carry the post, and drive the enemy off?

A.—I heard such conversation in the camp, but it was never reported to me, and I do not know it for certain.

21st Q.—Was not Colonel Bissell detached, to attack an island in the Long Saut, said to be occupied by the enemy, on the morning of the 11th?

A.—I know he was detached down the river, but not for what purpose.

22d Q.—Was there any cause within your knowledge, for the countermanding of the orders, given on the morning of the 11th, before they could be executed?

A.—I know of no other cause, but the one before stated, relating to information from General Brown.

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23*d Q.*—Did not the enemy advance and retire, several times, on the morning of the 11th, and menace the rear of General Wilkinson? Was there not a smart skirmish, and blood drawn, and did not the enemy retire after such skirmish, before the general action commenced?

A.—No, Sir.

24*th Q.*—Did you not, in consequence of the orders of that morning, turn about to attack the enemy, and in consequence of his retreating, did you not resume your front? And was it not after this, on a second appearance of the enemy, you received the orders by Colonel Swift?

A.—The enemy made no impression upon us, nor any movement between us and the woods, to bring on a skirmish, before the battle commenced.

Gun boats of the enemy return, in consequence of a battery, erected on shore.

25*th Q.*—Do you know, why the gun boats of the enemy, returned on the morning of the 11th, and was it not caused by a battery of two eighteen pounders, established on shore, by order of General Wilkinson?

A.—It was.

The court adjourned to the 7th day of February, 1815, at 11 o'clock, A. M.

Troy, February 7th, 1815.

The court convened pursuant to adjournment.

The cross-examination of Brigadier-general Boyd was continued as follows:

26*th Q.*—Did you hear of any fictitious alarm, at or near Fort George, and did the marching forth of the troops, on the 30th of September, to meet the enemy, should they advance, retard the movement of the corps down the lake?

A.—Not in my opinion, as the troops were back again by sun-rise in the morning.

27*th Q.*—After receiving your orders, on the 10th, were you ever separated so far from General Wilkinson, or a superior officer, as to prevent orders from being communicated to you?

A.—Never, Sir.

28*th Q.*—Can a column advance without much danger, or loss, to any given point, in its front, while an enemy is hanging on, and harassing its rear?

A.—Not without that kind of loss, which soldiers are subject to.

29*th Q.*—Did not the troops, on the 11th of November, retire from the field of battle, without orders from General Wilkinson?

A.—My orders from General Wilkinson were, should the enemy advance upon us, to beat them back. They first attacked us in the woods; we drove them from thence, into a plain; from the plain to a ravine, where their main body was posted, from thence into an open space interspersed with smaller ravines, enfiladed, and raked by their gun-boats. We then drove them, to where their right was under protection of their gun-boats; and their left on a wood, lined with incorporated militia and Indians. Considering my orders to have been executed, and some of our troops giving way, I ordered the main body to fall back, and re-form where the action first commenced. While this was performing, the reserve under Colonel Upham came into the field, and in this situation, I was ordered (I presume) by one of the field aids, to fall* back to the boats, perhaps half a mile distant. Many of the boats had already put off, some of which, in the early part of the action, had descended the river, near General Brown's position.

Description of the battle of the 11th.

30*th Q.*—Did you, during the action of the 11th of November, make any communication to General Wilkinson?

A.—Nothing more, than that I was executing his orders, and wished a reinforcement. I do not recollect by whom this information was sent; but I presume, it was by some one of General Wilkinson's staff, or some of my own.

* But in his official letter, he says, he himself ordered the retreat, which was contrary to the desire, or intention of General Wilkinson. —See testimony of Colonel Pinkney and Doctor Bull.

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Colonel Larned's examination.

SIMON LARNED, Colonel of the 9th regiment of United States infantry, being sworn and examined as a witness, on the part of the prosecution, deposed,

That in January, 1814, he was Colonel of the 9th regiment of infantry, stationed at Greenbush, from the 1st April, 1813, to the 1st June, 1814, *as commanding officer of the post.* On or about the 20th November, he received an order from the secretary of war, "relative to prisoners of war, on parole." This order has been mislaid, but in substance, directed him to call in all American officers, prisoners of war on parole, *and put them on garrison duty;* as soon as he could ascertain their places of residence, he notified those in district, No. 9. Among others, he wrote to Lieutenants Reab and Carr, on the 24th November. The former, came to the cantonment, rather out of health, made no objections to doing duty; but observed, he wished permission to go for his baggage, and return. The witness gave him permission; he went, but did not return; and never accounted to him, until he brought an order, from General Wilkinson, in the following words:

"*Waterford, January* 18, 1814.

General Wilkinson's order of Jan. 18, 1814.

"A military officer, is bound to obey promptly, and without hesitation, every order he may receive, which does not affect his honour; but this precious inheritance, must never be voluntarily forfeited, nor should any earthly power wrest it from him. It follows, that when an officer is made prisoner, and released on his parole of honour, not to bears arms against the enemy; that no professional duties can be imposed on him, while he continues in that condition, and under such circumstances, every military man, will justify him for disobedience.

"Captain J. D. Coon, of the 16th infantry, and Captain Elam Lynds, of the 29th infantry, will join their respective regiments without delay, and report to the commanding officers thereof.

"JAMES WILKINSON."

He further testified, that he published the preceding order, in his orderly book, and added thereto, "that he left to the discretion of officers on parole, to do duty or not." Lieutenant Reab did not perform any duty after this; and Lieutenant Carr had previously, on the 11th of January, 1814, declined obeying the order to perform duty, on the ground, that it was contrary to his parole.

On the 18th of January, 1814, and previous to receiving the order from General Wilkinson, the witness wrote to the latter, informing him of the nature of his orders, from the secretary of war. He added, that an order was subsequently transmitted him from the secretary of war, dated the 14th of February, 1814, which recited that a proclamation was issued by the British commander in chief, on the 4th of September, 1813, declaring, "that a parole lawfully given, does not forbid the exercise of any other military function, *than that of bearing arms in* GARRISON, *or in the field.*"

The direct examination of Colonel Larned being finished, General Wilkinson cross-examined him, as follows:

Q.—Were you not ordered by General Wilkinson, in August, 1813, to send forward all the men at Greenbush, or which might thereafter arrive, belonging to General Hampton, to join his corps; and also, to send all other troops, at your post, to Sackett's Harbour, as soon as embodied, without a moment's unnecessary delay? *And were you not at the same time, ordered by him, not to put any officer, or prisoner on parole, on any duty, or functions of command?*

A.—I was. The order was in the words, and figures following:

"*Albany, August 16th,* 1813.

"Sir,

"I have received your letter of the day, and note its contents. You are hereby, authorised to appoint such officer or officers, to muster and inspect the detachment

General Wilkinson's order, of

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under your command, and the prisoners on parole, as you may think proper.

Aug. 16th, 1813, forbidding officers on parole from doing duty.

"All the men now at your station, or which may hereafter join you, belonging to the corps of General Hampton's division, are to be sent forward to his command, as speedily as possible, and those of all other corps fit for field duty, are to be embodied, properly officered, and ordered on to Sackett's Harbour, without a moment's unnecessary delay.

"The deputy commissary of prisoners, having advised that there is no safeguard at Cheshire, for the reception of the prisoners, now in your charge, I recommend, that you should wait the arrival of the secretary of war, before you change their present position.

"It is incorrect, that an officer, while a prisoner on parole, *should exercise any function of command, and the practice must be discontinued,* or the enemy may charge us with fraud.

"With much respect and esteem,
"I am, Sir,
"Your old fellow soldier and friend,
"JAMES WILKINSON.

"*Colonel S. Larned, 9th Reg. Inf.*"

Q.—Did you obey the order of General Wilkinson, of the 16th of August, respecting the troops, ordered from Greenbush, to join General Hampton, and to march to Sackett's Harbour? And if you did not obey it, what was the cause?

A.—I did obey it, and sent the troops accordingly?

Q.—Was the order from the war department received by you, in November, 1813, *respecting the duties of paroled prisoners,* communicated to General Wilkinson, before you received it, to your knowledge?

Does not know, that the war office order was communicated to General Wilkinson.

A.—Not to my knowledge.

Q.—Do you know, that General Wilkinson ever saw the order from the war department, before he issued the order of the 18th January?

A.—I do not.

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Q.—Had Lieutenant Reab arrived at the cantonment, on the 18th, before you sent your letter, of that date, to General Wilkinson?

A.—He had not.

Lieutenant GEORGE REAB, of the 13th infantry, being sworn, as a witness, on the part of the prosecution, stated:

That on the 24th of December, 1813, while a prisoner of war on parole, he received from Colonel Larned, an order, dated the 24th of November, to repair to Greenbush, in the following words:

"*Cantonment, Greenbush, Nov. 24th*, 1813.

"Sir,

"I am directed by the secretary of war, to call in all the American prisoners of war, on parole at or near this vicinity, to their post, and that the officers join them for drilling, &c. You will, therefore, repair to the cantonment at Greenbush, without loss of time.

Ordered to repair to the cantonment at Greenbush.

"S. LARNED, *Col. Comdg.*

"*Lieutenant George Reab, jun.*"

About the 20th of December he repaired to Greenbush, in pursuance of the above order, and reported himself to Colonel Larned: made no objections to doing duty, but received permission to be absent a few days, to prepare for duty in camp. The day after General Wilkinson's arrival at Waterford, in January ensuing, he called on him, and exhibited the order received from Colonel Larned; General Wilkinson thought the order very improper, and afterwards, on the 18th of January, issued the order recited, in the first specification of the fourth charge.

The witness was the bearer of the order to Greenbush, and delivered it to Captain Melvin, in the absence of

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Colonel Larned, the day, or the day but one, after its date.

The witness, upon his cross-examination, stated, that General Wilkinson told the witness at Waterford, he had received no orders from the secretary of war on the subject. The witness signed a parole, on the 19th November in the following words:

"*Quebec.*

Parole.

"We promise, on honour, not to bear arms, directly or indirectly, against his Britannic majesty, or his allies, during the present war, until we are regularly exchanged.

"We, likewise, engage, that the under mentioned non-commissioned officers and privates, soldiers in the service of the United States, who are permitted to accompany us, shall conform to the same conditions."

The witness also acknowledged having received, the following letters and orders:

"*Adjutant General's Office,*
Washington City, March 24th, 1813.

"Sir,

Adjutant general Cushing's order to Lieutenant Reab, to join the recruiting service.

"It has been determined by the secretary of war, that commissioned officers, on parole, *may be employed in the recruiting service;* and I am instructed by him, to order you to report yourself, to the superintending field officers of the district in which you reside, for this duty.

"I am, Sir, very respectfully,
"Your obedient servant,
"T. H. CUSHING,
"*Adjutant General.*

"*Ensign George Reab, 13th Regt. Inf.*
Salem, N. Y."

"*Albany, 6th April,* 1813.

"Sir,

"On receipt of this, you will repair to this place, where, on your arrival, you will be furnished with funds, and instructions for the recruiting service.

"I am, Sir, respectfully,

"Your obedient servant,

"P. P. SCHUYLER,

"*Colonel* 13*th U. S. Inf.*

Comdg. Recruiting Dist.

"*Ensign George Reab,* 13*th U. S. Inf.*

Salem, Washington Co."

"*Adjutant & Inspector General's Office,*

Washington, 14*th April,* 1813.

"Sir,

"You are released from the orders of the 24th March ultimo, and the orders you may have received in consequence. You will not enter upon any military duty, until your exchange be duly notified.

"By order of the secretary of war.

"C. K. GARDNER,

"*Acting Adjutant General.*

"*3d Lieut. George Reab,* 13*th Regt. Inf.*

Salem, N. Y."

"*Albany, April* 21*st,* 1813.

"Sir,

"Enclosed herewith, you will receive a letter, from the adjutant and inspector general's office, by which you will observe, that the general orders of the 24th March last, and the orders predicated thereon, are countermanded. It will be proper that you return the funds, which you received from me, for the recruiting service.

"I am, Sir,

"Respectfully yours,

"P. P. SCHUYLER.

"*3d Lieut. George Reab,* 13*th Inf.*"

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The judge advocate objected, to the admission of the preceding letter, on the ground, that the subsequent order to Colonel Larned, entirely superceded these; whatever facts they contain, must therefore be useless, and have no connexion with the accusation. The court overruled the objection.

Examination of James Thorne.

JAMES THORNE being sworn and examined, as a witness, on the part of the prosecution, testified,

That in the summer and autumn, of 1813, he was known as contractor's agent, and was interested in the contract. He was at Sackett's Harbour, in the months of September and October, before, and at the time the expedition sailed. That on the 22d September, *he received orders from the secretary of war,* to put on board of such boats, as the quarter-master-general should indicate,* 1,275 barrels of pork, 255,000 lbs. hard bread, 10,625 gallons whiskey, 13,600 lbs. soap, 3400 gallons vinegar, 5,100 lbs. candles, 40 barrels of salt, 5 bushels in a barrel, amounting in the aggregate, to nearly 340,000 rations. Of this order, the following quantities were put on board, and receipted for, by the quarter-master-general, 1391 barrels pork, 10195 gallons whiskey, 2915½ gallons vinegar, 235,392 lbs. hard bread, 14,000 lbs. soap, 5,100 lbs. candles, and 35 barrels of salt. The reason why there was a greater quantity of pork, than was specified, was in consequence of some alterations in the arrangement, relating to the gun-boats. They were put on board, and the quarter-master-general thought, they might as well continue there. He had no other official order, on the subject of provisions, and the amount of provisions, called for, by the preceding order, was all at Sackett's Harbour, by the 25th September. It could all have been put on board in five days; *they commenced doing it on the 22d September, or the day following, and it*

* It appears that the secretary of war, General Armstrong, without the knowledge of the commanding general, took upon himself the controul, of the important department of provisions.

was continued at intervals, until the 10th October, or perhaps longer, before it was all on board.* The embarkation was performed, under the direction of the quarter-master's department, but no particular boats were assigned for that exclusive purpose; those which contained the provisions, were floored, and carried troops.

On the 23d of October, the witness reached Grenadier Island, undertook the issues, and took charge of the provisions, as he could find them; but it was impossible to collect, and take charge of the whole; they were so scattered in different boats. The first communication, the witness had with General Wilkinson, on the subject of provisions, was at Grenadier Island; he sent for him, to ascertain the state of the provisions; and it was observed a great loss had taken place. General Wilkinson also made enquiries, if they had any agents down the St. Lawrence, near Ogdensburgh; to make purchase of beef and flour, which should be wanted. The witness remarked, that it was impossible, in the state of the country, that they had no agents there; but he offered to furnish any quantity, at Sackett's Harbour; and General Wilkinson observed, that there were no transports to receive them. The general impression was, that the greatest part of the actual loss of provisions, occurred between Sackett's Harbour, and Grenadier Island; but it was impossible for him to tell exactly, how much was lost, as they were dispersed, in near three hundred boats; but from the scattered fragments, there must have been a considerable portion. It was reported to him, that some of the top barrels of bread, in some of the boats, were damaged at Sackett's Harbour, but the quantity was represented to be small.

The witness further stated, that there were four issuing officers; and when they were not present, Colonel Ma-

* From this witness, we discover the provisions were not embarked, until the 10th October; yet the Quarter-master-general Swartwout, swears, that every thing was ready, at Sackett's Harbour, for a movement on the 4th.

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comb's regiment, and one or two others, in the passage from Sackett's Harbour, down the St. Lawrence, helped themselves with provisions, out of the boats, through the regimental quarter-masters; and afterwards made their returns, and accounted for them, at Salmon River. It was impossible, for an issuing officer, to be always present. The provisions on board the boats, were not under the command of an officer, of his department.

Agreeable to the order of General Wilkinson, at French Creek, he, and his assistant, went round to the different boats, counted the contents, and near as they could, made a statement, on the 4th of November, which amounted to,

914 barrels	bread,	104,468	rations,
12 do.	flour,		
548 do.	pork,	159,466	do.
20 do.	salt,	160,000	do.
167 do.	whiskey,	187,140	do.
20 do.	vinegar,	80,000	do.
27 boxes	candles,	83,000	do.
10 do.	soap,	22,500	do.

There was an average of three days rations, issued exclusive of the above. The actual loss of provisions, exclusive of the rations, issued during the expedition, from the Harbour to French Mills, was about an average of 150,000 rations.

The witness added, that after their arrival at Grenadier Island, he sent their boat to Sackett's Harbour, and procured 140 barrels of flour, in addition to the first estimate. At Hamilton, they took in 95 barrels of flour, and a quantity of fresh beef. Several boats with provisions, broke loose from Grenadier Island, drifted across the bay, and were wrecked. Most of the provisions in them were lost; but some of it was brought back. He does not know, of any provisions being left on shore, by officers during the expedition; nor of any being wanton-

ly wasted.* He stated, that he complained to General Swartwout, of the damage of provisions; the troops having taken the oil cloths from the casks, and the rain having in consequence injured the bread.

The court adjourned to Wednesday, the 8th February, 1815, at 10 o'clock, A. M.

Troy, February 8th, 1815.

The court convened pursuant to adjournment.

The examination, of James W. Thorne, being resumed, he further testified,

That he cannot of his own knowledge, say, whether any provisions were left on shore, by officers commanding in boats. It was reported to him, that provisions were left, but he does not know what quantity. The provisions were issued from the boats, and therefore, it was impossible for him to tell, from the state of the casks on board, what might have been regularly issued, and what was taken out without his authority. They might have taken a number of casks, and he not know it.

Q.—You stated, that some of the boats drifted across the bay, from Grenadier Island, and were wrecked. Was this caused by want of care, and attention, in those who had the management?

A.—It happened during the night, and there were sentries along the shore, who he presumed had charge of the boats, and it was said, they had not done their duty: one instance occurred in the day time; the quarter-master was ordered to take the boats, round the point of the island, where the issues were made; the pilot was not ready, und the quarter-master, Mr. Robinson, presuming he could do it with the crews, made the attempt; the wind drove them over to Fox Island, and the provisions were mostly lost.

Many of the boats were hauled on shore, and several hundred barrels of provisions, were there deposited,

* Yet the Quarter-master-general Swartwout has sworn, that this witness made frequent complaints of the pillage, and destruction of provisions, by the troops.

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while the boats were repairing: many of them dragged anchor, in the harbour, owing to the violent gale of wind.

Prior to the 21st or 22d of September, he did not receive any orders, from General Wilkinson, to prepare provisions for the expedition; but made occasional returns, of the provisions in deposit, to the commanding officer of the post. On the 25th of September, the provisions were all in readiness, and between that and the 4th of October, the weather was very fine for several days.

The witness added, that the issuing agents considered themselves authorised, to take provisions, from any of the boats. It had been his first intention, to turn the provisions over to the United States, and let them attend to the issuing; but General Swartwout requested him to go along; he accordingly accompanied the expedition, *assumed the whole losses,** *and procured the necessary affidavits and vouchers, to substantiate the same. These were made by two persons, his agents, Messrs. Mather and Ainsworth.* He afterwards understood from Mr. Anderson, that General Swartwout had examined, and sanctioned them. They were then transmitted to the war department, to found a claim for indemnity. After General Swartwout had receipted for them, at Sackett's Harbour, they were again turned over to the witness: the quarter-master-general requested his receipt; but he told him it was impossible: it however was the same thing, as if he had receipted† for them, by the tenor of his contract, with the United States, the following agreement was made, to wit:

"That all losses sustained by the depredations of an enemy, or by means of the troops of the United States,

* This witness, the contractor himself, the person immediately interested, swears, *that he made himself accountable for losses;* and yet the quarter-master general, Swartwout, *has sworn, that the provisions belonged to the United States.*

† What a juggle do we here behold!

in articles intended to compose rations,* to be issued under this contract, being the property of the contractor, as well as in other property, necessarily used in transporting the same, shall be paid for at the contract price of the rations, or the component parts, and at an appraised value of the other articles, on the deposition of one or more creditable characters, and the certificate of a commissioned officer, when the same can be obtained, ascertaining, the circumstances of the loss, and the amount of the articles, for which compensation is claimed."

Question by the court.—Do you know on what day of November, the army arrived at French Mills, and what number of day's rations then remained?

A.—The army arrived on the 12th of November, at Barnhart's, where the following return was made:

"*Cornwall, Canada, Nov. 12th,* 1813.

"Sir,

"I have to inform you, that the requisition ordered to be delivered, by the secretary of war, to the quarter-master-general, dated the 22d of September, is now reduced to,

Contractor's report, of the rations remaining, 12th Nov. 1813.

54,460	rations,	bread and flour.
86,933	do.	pork.
105,659	do.	vinegar.
240,000	do.	salt.
21,000	do.	candles.

* But by the contractor's own testimony, it appears, his provision was chiefly lost, by storms and tempests, between Sackett's Harbour and Grenadier Island; not "*by the depredations of an enemy, or by means of the troops*" Yet, the quarter-master-general, Swartwout, made no hesitation, *to give a certificate to indemnify the contractor,* to the amount of $25,000; and this, after General Wilkinson had positively refused, to certify the same estimate, presented by the contractor to him; in this instance it would seem, the commander was more tenacious of the public treasure, than the quarter-master-general.

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"As you are sensible of the deficiency, and of the cause, of the small quantity of provisions remaining on hand, it is unnecessary for me to make any remarks.

"I have the honour to be,

"Your obedient humble servant,

"J. W. THORNE."

Beef procured at Barnhart's.

The witness next stated, that about one thousand pounds of beef, was procured at Barnhart's, by the quarter-master's department, and turned over to the contractor. More came to the army, consisting of several head of cattle; how many he does not know; they never came into his possession.

The direct examination of the witness being finished, General Wilkinson proceeded to question him, as follows:

1*st Q.*—Did the contractor, or his agent, make any application to General Wilkinson, at Sackett's Harbour, for the transport of the army provisions?

A.—I believe not; I do not recollect having any communication, with General Wilkinson, until at Grenadier Island.

2*d Q.*—Did General Wilkinson shew an indifference, in any case, within your knowledge, to the interest of the service?

A.—Not to my knowledge; I had no great opportunity of knowing.

3*d Q.*—Did you not apply to him, to sign an abstract, for the lost and damaged provisions? Did he not refuse, and for what reason?

General Wilkinson refused to certify for lost and damaged provisions.

A.—I did at Plattsburgh; but he refused, saying, he did not order the provisions shipped; that they were shipped by order of the secretary of war; and he was not acquainted with the circumstance of the loss.

4*th Q.*—Did you see, or know, of General Wilkinson's being intoxicated, during the campaign of 1813?

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A.—I never did; I saw him perhaps half a dozen times, and then on business.

Never saw General Wilkinson intoxicated—saw him about half a dozen times.

5*th Q.*—Did you ever hear, or know, of General Wilkinson abusing the army, during the campaign of, 1813;

A.—I did not.

6*th Q.*—Did you not see General Wilkinson frequently during that period, and was he not in very ill health?

A.—I saw him at the times mentioned before, and he appeared very unwell.

7*th Q.*—As the provisions were issued, what became of the empty casks?

A.—I never saw the casks, after they issued the provisions, but presume they were left behind.

8*th Q.*—Might not a passenger, or person not particularly interested, mistake an empty cask for a full one, it being customary to take out but one head at a time?

A.—It is possible he might.

9*th Q.*—You have said, there were sentries posted along the shore, who appeared to have charge of the boats: Was it possible for a sentry, or even a captain's guard, to have prevented the boats of the quarter-master, Robinson, from drifting across the bay to Fox Island?

A.—I think it might have been prevented, by warping the boats round the point; but, after getting loose from the shore, it was not possible, to prevent their drifting across.

10*th Q.*—Was it not absolutely necessary, to land a quantity of provisions, to repair the damaged boats at Grenadier Island? And was there any house, or shelter, to cover it.

A.—It was necessary; and there was no house, or shelter, except the painted cloths.

11*th Q.*—What was the contractor allowed by the United States, for the issues of provisions in the campaign?

A.—He was allowed by the contract, 17½ cents per ration; and when provisions are issued from deposits, 1 cent for issuing, and 12½ per cent. for wastage.

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12*th Q.*—Was either Mr. Mather or Mr. Ainsworth, interested, directly, or indirectly, in the contract?

A.—They were not, but were both on salary.

13*th Q.*—Was not the night, on which the boats drifted from their moorings, so tempestuous and dark, that it was almost impossible to distinguish any thing, by sound or sight?

A.—You could see a boat, but not a hundred yards distant. It was a most violent gale of wind, and the night very dark and stormy.

Question by the court.—How was the loss of provisions ascertained?

A.—By adding the amount of the issues on the passage, to the amount of provisions on hand at Blanhart's, and deducting the sum from the whole quantity furnished.*

* By this method, the *absence* of the provisions may be ascertained; but does it shew, they had been lost, or concealed, or made the subject of peculation. I do not mean to question the integrity of Mr. Thorne, because I think him an honest man; but I desire to expose, the defective arrangements, to use no harsher term, of the secretary, Armstrong, and Swartwout, the quarter-master-general, by which the public treasure is liable to be dissipated, without check or restraint.

CHAPTER IV.

Testimony of DR. W. M. ROSS, *hospital surgeon, U. S. army.—States that he was superintendent of the hospital department, at Sackett's Harbour.—Makes a requisition on the quarter-master-general, for hospital stores.—Quarter-master-general's reply.—No hospital stores put under his charge.—Applies to Doctor Bull, respecting tents left at Sackett's Harbour.—Doctor Bull's answer.—Doctor Ross, on his arrival at French Mills, makes a report respecting hospital stores, ascertained to be lost.—Knows of no provision wasted, or left on shore.—His application for list of stores, and for boats, which he could not obtain. —Bad provisions great cause of sickness.—Reports bad provisions to General Brown.—Signed receipts for blankets, but never received them.—Fruitless application to General Swartwout, for transport and medical stores for the sick.—Sick and wounded suffer at French Mills, for want of them.—Produces the secretary of war's order, respecting the apothecary's department.—General Wilkinson's general order, enjoining particular attention to the sick and wounded.—General Swartwout's insinuations against General Wilkinson.*—TESTIMONY OF MAJOR-GENERAL MORGAN LEWIS.—*Produces a letter from General Wilkinson, dated 6th July,* 1813.—*-General Lewis's narrative.—State of the weather, from the 8th to the 18th of October.—First part of the expedition sails. —Commodore Chauncey's fleet sails for the Ducks.— Storm rages, from the 8th to the 20th October.—No delay ascribable to the commander in chief.—Describes the approach of the enemy.—Estimates the enemy's force at about 500 men.—Cross-examination.—General Wilkinson exposes the objects of the campaign, to a council of war.—State of General Wilkinson's health.—His exertions to hasten the progress of the expedition.—Plans digested to meet every contingency.—Conversation between the witness, and Generals Brown and Swartwout.*

Introduces Colonel King to General Wilkinson.—General Wilkinson's exclamation, explained.—Obstacles to the movement of the army on the 11th, stated.—Conversation between the secretary of war and the witness, concerning the letter of the 6th July, 1813.—General Wilkinson represents the necessity of harmony, in the different departments.—After the storm had continued two or three days, secretary of war in favour of going to Montreal, General Wilkinson for an attack on Kingston.

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Testimony of Dr. Ross.

W. M. ROSS, hospital surgeon in the army of the United States, being sworn and examined as a witness, on the part of the prosecution, testified,

That in September, 1813, he was superintendent of the hospital department, at Sackett's Harbour; that he prepared medicines, medicine chests, and surgical instruments by the 15th September, sufficient for the general hospital, as he understood there was to be an expedition. These were all packed up, and ready for transportation. To the best of his recollection, he did not do this by order, but as a matter of duty, he being superintendent of the department. General Wilkinson did not give him any order, or specific instructions, on the subject.

Requisition for hospital stores.

He also, on the 20th of September, made requisitions on the quarter-master for hospital stores, for the contemplated expedition. The quarter-master replied as follows:

"My dear Sir,

The quarter-master-general's reply.

"I return inclosed, your requisition without remark; on reflection, I am of opinion, that the commanding officer of the post, is the proper person to consult on the quantity of stores, that will be necessary for the intended expedition.

"I am, with great regard,

"Your friend,

"ROBERT SWARTWOUT.

"*Dr. W. M. Ross, Hospital Surgeon.*

"*Sackett's Harbour, 25th Sept.* 1813."

His requisition was not acted upon, and no hospital stores were delivered to him, or put under his immediate controul; nor any list of the articles shipped, given to him. He found these stores, were placed in gun-boats and batteaux. Some of the troops, embarked on the 16th October; and a morning or two after, going round the camp with Colonel Brearly, he saw a number of hospital tents on the ground, for which, he knew, regimental surgeons had receipted to him. Being apprehensive these would be lost, and that the stores, from their situation, might be wasted or lost, he called upon Doctor Bull, and represented the circumstance to him. In consequence of this, he received the following order:

"*Head Quarters, Sackett's Harbour,*
20th October, 1813.

"Dear Sir,

Dr. Bull's letter, conveying General Wilkinson's orders on the subject.

"General Wilkinson directs that you will employ any competent person, on whom you can rely, for the faithful performance of his duties, to take charge of the hospital stores attached to the expedition, of which, as hospital surgeon, you have the superintendence.

"By order.

"I am, very respectfully,
"Your obedient servant,
"G. W. BULL.

"*Doctor Ross, Hospital Surgeon.*"

In pursuance of the preceding order, he appointed a man to take charge of all such as came into his hands; but the general hospital stores were so dispersed in different boats, that he never had charge of them. Having never had a list, he does not know what proportion was lost, or shipped; but on the 14th or 15th of November, at French Mills, he saw thrown ashore, a number of empty casks and empty tea canisters, marked hospital stores; some of the casks had contained brandy and wine: others were tapped in a number of places. During the expedition, he did not represent the loss to General

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Wilkinson, as he could not do so, before he knew it. After his arrival at French Mills, he made a report on the subject.

After his arrival at French Creek, reports the loss of hospital stores. Knows of no waste of provisions, or that any were left on shore.

He further testified, that during the expedition, he did not see any provisions wasted, or left on shore to his knowledge. At French Creek, he called upon General Wilkinson, in consequence of an order, respecting a flag to designate the hospital boat. He had prepared a flag, and wished to have it authorised; and also wished to know about the hospital stores, which were dispersed in the fleet. Agreeably to the order, a number of boats were assigned, for the hospital department. On his application for the flag, General Wilkinson observed, "damn the hospital department." After a pause, he added, "they have got a flag, I saw it flying this morning." After this exclamation, General Wilkinson observed, "there it is, I see it now." General Wilkinson was sick at the time, and oppressed with business.

On the subject of the weather, he cannot speak positively. Between the 25th September and 4th October, there were no severe storms, but a great deal of high winds from the south-west.

To a question of the court, the witness replied, he never was called to receive the hospital stores, nor furnished with inventories of them, nor had he any transportation under his immediate command. *He made frequent application for a list of stores, and for boats; but Major Brown replied, that he could not furnish them.**

Cross-examination.

The direct examination being finished, the witness was cross-examined by General Wilkinson, as follows:

1*st Q.*—Were you not subject to the orders of Doctor Tilton, surgeon general, and was he not at Sackett's Harbour, in September, 1813?

* Notwithstanding this declaration of Doctor Ross, Quarter-master-general Swartwout swears, that these stores were in charge of the hospital surgeon.

A.—I think Doctor Tilton, was there in September; and I was subject to his orders.

2d Q.—By whom was you first appointed, to attend the expedition under General Wilkinson?

A.—I was appointed by the secretary of war, with the concurrence of Doctor Tilton, on the 4th of October.* General Wilkinson arrived the same afternoon.

3d Q.—You have said, that when you applied to General Wilkinson about a flag, he damned the hospital department, and said it had a flag; and after a pause, observed, "there it is, I see it now." Will you say, Sir, whether the expression appeared to be a deliberate sentiment of the heart, or a hasty exclamation, without reflection, such as might be natural to a man in ill health, and under a pressure of business?

A.—It appeared to be a hasty expression; perhaps it was nothing more than an exclamation. General Wilkinson was ill, and under a pressure of business.

Bad flour, one of the great causes of the sickness of the army.

4th Q.—What was the quality of the provisions shipped at Sackett's Harbour, for the expedition? And did you ever complain of them, and to whom?

A.—The flour was very bad, produced disease, and was one of the great causes, of the ill health of the army. The whiskey and bread were also bad: I saw in the latter some excrement, which I shewed to General Brown.

Whiskey and bread bad also.

Reports bad provisions to General Brown.

5th Q.—At Sackett's Harbour, or during the passage to French Mills, did you make any report to General Wilkinson, respecting the badness of the provisions?

A.—No. On the 18th of September, *I made one to General Brown,* commanding at Sackett's Harbour.†

6th Q.—When you exposed your requisition for hospital stores, to the secretary of war, did he make any remarks?

* Another instance of the interference, of the secretary of war, General Armstrong, with General Wilkinson's command; and of the usurpation of an authority not belonging to him.

† A circumstance never hinted to General Wilkinson, by any person whatever.

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A.—He thought the number of blankets, and the quantity of brandy was very large: there was not one half the quantity on hand, and the secretary directed me to ask the quarter-master, to send him a return of what was on hand.

7th Q.—Did you make any report or application to General Wilkinson, respecting your department, before the 17th or 18th of October; and was not the expedition under orders of sailing, from Sackett's Harbour, on or before the 4th of October?

A.—I made frequent representations, through Doctor Bull, to General Wilkinson, and received information from him, how I should act. I understood, there were orders for sailing, and when General Wilkinson arrived, they were countermanded.

8th Q.—Were there any number of blankets, furnished you, for the use of the hospital?

Signs receipt for blankets, but never obtains them.

A.—I never received any; but receipted for them, and never afterwards saw them.

9th Q.—Who had the issuing of hospital stores during the expedition?

A.—Johnson H. Preble, the person I appointed, had the issuing of the hospital stores, which were with me, in the small boat.

10th Q.—Under whose care were the hospital stores, generally, on the expedition?

A.—I do not know.

The court adjourned to Feb. 9th, 1815, at 10 o'clock, A. M.

Troy, February 9th, 1815.

The court convened pursuant to adjournment.

The cross-examination of William M. Ross was resumed:

11th Q.—Had you any particular conversation, with Brigadier-general Swartwout, respecting transport, during the expedition of, 1813?

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A.—I made frequent application to General Swartwout, for transport for the sick, and for hospital stores, at numerous places; the last, in particular, at Grenadier Island, after an order from General Lewis. General Swartwout replied, that he had none; that owing to the delays, the bad weather had come on, and Omnipotence alone could furnish transportation, for an army composed of such discordant materials. He also informed me, that he had a conversation with General Wilkinson, respecting the hospital stores, being pilfered by the men; and that General Wilkinson had remarked, he could hold no officer responsible for them. The witness further stated, that if he had had transports, he could save them.

Hospital surgeon, makes frequent applications for transport, and hospital stores, for sick, but obtains none.

This was mentioned as a precautionary thing, but they began to pilfer the stores, before the expedition sailed, from Grenadier Island; and he apprehended, that without having the transports, they would be lost.

12*th Q.*—Had you any particular conversation with General Swartwout, respecting huts for the sick and wounded? Say when, and where?

The judge advocate objected to the preceding question, on the ground of its leading to an enquiry, not connected with the prosecution: also to questions No. 14, 15, 16, 17, 19, 20, 21, 24, 25, 26, and 27, as irrelevant to the case; and on the rule of law, that general character, can only be enquired into, and not particular facts, to affect the credit of the witness.

Judge advocate's objections to certain questions.

The court being cleared, after weighing the objections urged, decided, that questions No. 12, 15, 19, 20, 21, 24, 25, and 26, are inadmissible, but overruled the objections to the remainder, which follow.

Decision of the court.

13*th Q.*—Did you make any report to General Wilkinson, or the surgeon general, respecting the sick and wounded?

A.—I made a report, on our arrival at French Mills, dated November 15th, 1813. During the expedition and

Sick and wounded, at French

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afterwards, I also made repeated application to the quarter-master-general, for the hospital stores, but had not been able to obtain them; and the sick and wounded at French Mills, were suffering for want of them.

Mills, suffering for want of hospital stores.

14*th Q.*—Had the quarter-master-general possession of the hospital stores, after the troops arrived at French Mills?

A.—He had. A return of stores on hand, was made to me at French Mills, on the 20th of November, from the assistant quarter-master, Mr. Tupper, but without signature or date, and is the same now exhibited.

16*th Q.*—Will you produce your reports of your department, to General Wilkinson, and the surgeon general?

A.—(The witness exhibited his reports.)

17*th Q.*—Did you ever receive a circular order, from the secretary of war, respecting the apothecary's department? When, and where?

Secretary of war's order, respecting the apothecary's department, produced.

A.—I did on the 13th of December; it was dated the 26th of November, 1813, and is the same now shewn.

18*th Q.*—What became of the hospital tents, you saw on the ground, at Sackett's Harbour?

A.—I do not know.

22*d Q.*—Did you ever hear General Wilkinson abuse the army? And was he negligent of the sick and wounded, or regardless of their accommodation?

General Wilkinson issues a general order, enjoining particular attention to the sick and wounded.

A.—I do not know that I ever heard General Wilkinson abuse the army; nor that he was negligent of the sick and wounded: on the contrary, in a general order, by him issued, he recommended that particular attention be paid to them.

23*d Q.*—Have you any evidence of the conduct of officers commanding the gun boats, respecting the hospital stores?

A.—None; except from the information or certificates of others?

27*th Q.*—Did General Swartwout, make use of any language to you, calculated to prejudice you against General Wilkinson, and to throw the blame of the neglect

of the hospital stores, on General Wilkinson? Will you state what General Swartwout said to you, on the subject?

A.—After I had made a report, respecting the state of the army, dated December 8th, 1813, General Swartwout told me, that General Wilkinson *flew into a violent passion, on receiving it: that he threatened to have me dismissed the service;* but General Swartwout added, that I need not mind, he could not injure me, as General Wilkinson *was low enough with the government.* He further stated, that General Wilkinson, *was always opposed to my going with the expedition. He asked me, what I had been doing to the old man, as there was a* HELL *of a* BLOW UP *at Malone.**

28th Q.—Was you the senior surgeon at Sackett's Harbour?

A.—Doctor Pendergast was my senior, and was at Brownsville, and occasionally at Sackett's Harbour.

Testimony of Major-general Morgan Lewis.

Major-general MORGAN LEWIS, being sworn and examined, as a witness, on the part of the prosecution, stated,

That in the summer of 1813, he held a commission in the United States army, with the rank of Major-general. In the early part of the month of June, he was stationed at Fort George, in July at Sackett's Harbour; that at the latter place, he received from Major-general Wilkinson, a letter in the following words:

"*Milledgeville, Georgia,*
July 6th, 1813. (evening)

"My dear Lewis,

General Wilkinson's let-

"I have just arrived here, with my scalp, after passing the Creek nation, with some peril and more anxiety,

* It is scarcely credible, that a man, wearing the garb of honour, could have descended to such low and vile misrepresentation, to excite hostility, against his commanding officer; yet this conduct, was not confined to General Swartwout; a conspiracy had already been formed against General Wilkinson, and here we have a strong indication of it.

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ter, July 6th, 1813.

than half a dozen, well fought battles could produce. I shall press forward to join you, prepared to mingle judgment, and counsels, and blood, and life, (if necessary) in the common cause of our country; in the mean time, if near General Dearborn, tell him, I shall take his orders with pleasure, and will support them, in any extremity which can occur, to the best of my abilities. I deeply regret the loss of my friend Pike, and if revenge was not an unmanly sentiment, I should indulge the desire to avenge his death—his untimely death. Yet we must all die, and when so pleasantly or honourably, as on the field of battle in a good cause, such as ours is. Farewel, my friend, and remember, a general officer does not expose his person, but in the last resort. Subordinates execute, while chiefs command: to mingle in the conflict, is to abandon the power of direction. Why are so few French generals killed, in their sanguinary battles? Because they know themselves to be master workmen, and know how to direct their journeymen: while giving the general direction, they hold in reserve selected corps, to watch the tide of battle, always ready to improve an advantage, or retrieve a misfortune.

"God preserve you until we meet, and may victory attend your steps.

"Ever yours—farewel!

"JAMES WILKINSON.

"*Major-general Lewis.*"

This letter was forwarded to him, through the war department; it having been sent open, under cover, to the secretary of war. The witness commanded a division of the army, at Fort George, under General Dearborn, who sent him to Sackett's Harbour? He left this on the 28th of August, and returned on the 23d of September following; assumed the command on the 24th from General Brown.

At this stage of the examination, the judge advocate applied to Major-general Wilkinson, to produce a document, containing the original plan of the campaign, of

1813, or to allow parole evidence of its contents. *M'Arthur, vol. 2, page 61.*

Upon which, it was agreed by consent, that the report of the secretary of war, dated 25th of January, 1814, and published by order of Congress, be admitted as *prima facie* evidence, as far as the documents contained therein, relate to this trial.

Documents contained, in the report of secretary of war to Congress, admitted as evidence, by consent of parties.

The court adjourned to Feb. 10th, 1815, 10 o'clock, A. M.

Troy, February 10th, 1815.

The court convened pursuant to adjournment.

General Lewis's narrative.

The examination, of Major-general Lewis, being resumed, he testified, on his arrival at Sackett's Harbour, he found that orders had been issued, previously, by the secretary of war, preparatory to an expedition, and to embark the provisions. The secretary informed him, that this was in consequence of a communication, from General Wilkinson, dated the 27th September, 1813, in which he intimated, that he would just look in at the Harbour, visit it *en passant*, and that Grenadier Island, was to be the place of general rendezvous. On the 4th day of October, all at the Harbour was prepared for embarkation; the provisions were on board the transports; the artillery also, except one piece, which had no carriage to suit it. Whether all the gun boats were in readiness, he could not tell; nor whether the troops were actually embarked; as the line of embarkation extended to Horse Island.* There were a sufficient number of gun boats prepared, as he thought, to answer the purposes of covering his division. The weather, on this day, was fair, and would admit of their sailing, though they, generally, had high winds. The severe tempestuous weather, did not commence, until the night of the 8th of October. They had very frequent blows before that, but unaccompanied with hail and rain. On the 4th of October, the weather was not such, as to have exposed

* Two miles.

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State of the weather, from the 4th to the 8th of October.

the transports to peril, if they had sailed. On the 5th, the wind was on shore, the boats would have been obliged to beat out, and those that rowed, might have found it difficult to proceed, as the surge was high. On the 6th, the fleet came in with a fine spanking breeze: the 7th, was generally employed, in taking care of the prisoners; the 8th was hazy, and threatening; towards evening, the wind freshened, and shortly after, the rain commenced; during the night, it became tempestuous, and nothing could have cleared the harbour. They knew nothing of the two fleets, until Commodore Chauncey arrived on the 6th. After General Wilkinson's arrival, by his direction, the witness issued an order, to delay the embarkation of the division, on account of the opinion, which was entertained by them, *and concurred in, by the secretary of war*, that, under existing circumstances, it would not be expedient to proceed; nor safe to venture out, without the protection of the fleet. General Wilkinson's expression on this point, was, why would you risk yourself on an island, where you would subject yourself to be enterprised upon by the enemy, and consume the provisions necessary for the expedition?

Opinions of Generals Wilkinson and Lewis concurred in by the secretary of war.

Account of the sailing of the first detachment of the expedition. Fleet sails.

The expedition sailed by detachments: the first detachment, under the command of Colonel Bissell, on the 16th or 17th of October, from Henderson's Bay. The fleet, which entered on the 6th, after taking in provisions, sailed on the 16th, as he believes, and proceeded towards the Ducks, which, he understands, commands the passage into Kingston harbour; in which, it was stated, the British fleet were at that time. On the 18th, 19th, and 20th, there were heavy gales of wind, which dispersed the troops.

General Covington's brigade, which sailed on the 8th, was scattered, and as he understood, one boat was lost, with one or two of the people. General Macomb's regiment, which sailed on the 19th, was also dispersed. The storm, which commenced on the night of the 8th, continued with very little intermission until the 20th. He thinks, there was no interval in that period, sufficient for

the troops to have embarked, and proceeded with safety to Grenadier Island.

The principal embarkation, was on the morning of the 21st, and the witness sailed in the afternoon of that day. Captain Archer, who followed him in a schooner, in consequence of the gale, and being unable to work to windward, was obliged to put back. General Wilkinson, having a better vessel, succeeded in getting a head. The master of the schooner, in which the witness sailed, being unable to weather Point Peninsula, made for Stony Island, which they reached with great difficulty, on account of the winds dying away. On stretching again by Point Peninsula, they descried fires along shore, for a considerable distance up Chaumon Bay, made as they presumed by the troops, which had been obliged to land. Sometime before day, on the morning of the 22d, he arrived at Grenadier Island; distant eighteen miles from Sackett's Harbour. Detachments of the general embarkation continued to arrive, until the 3d of November; on which day, one scow, as he understood, with heavy artillery, came up, which had started from Sackett's Harbour, the 21st. Many of the boats were very much injured, and required repairs.

On the morning of the 22d, General Wilkinson, hearing of the situation of the troops and transports, returned in the Lady of the Lake, he believes as far as Sackett's Harbour, to ascertain their true condition.

Knows of no instance of neglect, on the part of General Wilkinson.

The detachments on Grenadier Island, were forwarded, with as much despatch as was practicable; and he knows of no instance of neglect, on the part of General Wilkinson; though there might have been instances, in the subordinate officers. The contractor and quarter-master-general, had no one to represent their respective departments, on Grenadier Island; as upon enquiry he could find none.

The morning of the 23d of October, witness remarked, that there appeared to be every disposition, in the commandants of corps, to hasten their departure, and perform their duty.

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On the 3d of November, General Wilkinson and the witness, sailed from Grenadier Island, in their respective schooners. The Growler and Pert went ashore, but shortly after got off. The Growler having on board, Colonel Randolph's regiment, consisting of about 230 men, grounded a second time, and was abandoned. The witness arrived the same day, in the afternoon, at French Creek, and on his passage, saw three or four large batteaux on shore, near Gravelly Point. The afternoon was spent by General Wilkinson and himself, in altering the flag to designate the several brigades, regiments, and corps; which had become necessary, owing to the formation of a fourth brigade, to be commanded by General Swartwout.

In consequence of arrangements, between Commodore Chauncey and General Wilkinson, the fleet had preceded them, and lay opposite the eastern point of Grand Island, so as to guard both the north and south passages, from Kingston, and protect the rear of the expedition, from any attack by water.

The army remained at French Creek, until the morning of the 5th; the 4th, was spent in making dispositions, for the progress of the troops, and arranging the order of battle, for the flotilla, in case any parties should have been stationed on shore, for the purpose of retarding them. An order was issued, that the troops should sail, in the afternoon of the 4th, this was countermanded; and the after order, directed the embarkation to take place, by daylight, on the 5th. The "*general*," was ordered to be beat by 4 o'clock, and the "*march*," at daylight. It rained during the night, as he understood, and the expedition did not get under way, until 9 or 10 o'clock; owing to many boats having advanced up a narrow creek, for greater security and convenience of landing. It consumed some time to get them out into the bay. During part of the morning, General Wilkinson and the witness, were beating about the bay to arrange the troops, in the order of progression and battle; as laid down in the diagrams furnished the officers. He does not know of any

unnecessary delay at French Creek, or at any point in the expedition, which could be ascribed to the commander in chief. He added, that he knows of no delay, but which could be accounted for.

No delays ascribable to the comander in chief, or which could not be accounted for.

About midnight, the expedition arrived at Hoag's, four miles below Morrisville, and about forty miles from French Creek. It halted at this point, distant six miles from Ogdensburgh, and the troops landed. It had been, previously, the intention to have halted at Morrisville, and fires were directed to be built, as signals for the boats; but these not being perceived, by those who took the north channel, part proceeded below, and others landed at Morrisville, which produced some confusion. Many of the boats for want of sails, were obliged to use oars, the whole distance. The witness added, that General Wilkinson, had either issued an order, or intended issuing one, for passing Prescott that night; to be executed according to circumstances, but this order was not executed.

On the morning of the 6th, an order was issued, stating, that General Wilkinson wished to speak with the general officers on board of his vessel, at 12 o'clock; but it was not carried into effect, as a council of war.

About 11 o'clock, information reached him, that Colonel King had arrived; the witness accompanied the latter to General Wilkinson; after considerable conversation on shore, they went on board of General Wilkinson's vessel, where some general officers were assembled, (but he thinks, that Brigadier-general Porter was absent). The conversation was desultory, and passed in the presence of some, who were not general officers. General Wilkinson, in the course of it, said something about provisions, but no formal question was submitted, to the best of his recollection. The witness added, that he never heard General Wilkinson, make a proposition to discontinue the expedition, for want of provisions; nor had he ever heard him give an opinion, at any council which was called.

Never heard General Wilkinson make a proposition, to discontinue the expedition, for want of provisions.

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He never heard General Wilkinson declare, that his orders were positive to go to Montreal; but has heard him say, that he considered the military advice of a superior officer, as obligatory upon him, and tantamount to an order.

Q.—Did General Wilkinson issue any order, between the 3d of October and, the 10th of November, enforcing it on the officers, to take proper care of the provisions, shipped for the expedition; or in any way making them responsible, for the preservation of the provisions, on board their respective boats?

A.—I know of no such order.

Q.—Were any provisions left on shore, by officers commanding in boats, wasted, or wantonly destroyed?

A.—None to my knowledge.

Q.—Was General Macomb detached with the corps elite? and when, and what the object of such detachment?

A.—He was detached on the morning of the 7th, and the object of this (as was represented to me, by General Wilkinson) was to dislodge a party of troops from Matilda; a place on the Canada shore, near the bank, commanding the passage for the boats, within good musket shot. On the morning of the 8th, the witness saw a party of one hundred, or more, armed men on the Canada shore; who, it was concluded, had evacuated Matilda. On passing it, they perceived it had been reduced to ashes, by General Macomb, and one staff officer was taken. No delay was caused by this detachment of Macomb.

Describes the approach of the enemy.

The first information, the witness received of the enemy in the rear, was from a man who called his name Spencer, and stated that they had arrived at Prescott. The witness thinks, he conducted him to General Wilkinson. This occurred at the White House, on the morning of the 8th. There were various reports on the subject; but the general information was, that there were about sixty boats. He further stated, that from report,

on the evening of the 9th, there was a small shew of the enemy, and that one man was killed. About sun-set, the expedition arrived at Williamsburgh, near Chrystler's field;—But he does not know, that any dragoons were detached that evening, to reconnoitre the rear; nor that any parties were sent out, to ascertain the force of the enemy approaching. On the morning of the 10th, orders were issued by General Wilkinson, perhaps about 1 or 2 o'clock, and a communication sent to the witness, stating, that he, General Wilkinson, was too unwell to act, and directing him to assume the command.

On the 11th, General Wilkinson again resumed the command, on account of a severe indisposition of the witness, occasioned by his being very wet with rain, in reconnotring the enemy, and making necessary dispositions, on the evening of the 10th, and morning of the 11th.

Estimates the enemy's force at about 500 men. Opinions of Generals Boyd, Covington, and Swartwout.

That the result of his observations, on the afternoon of the 10th, was, that the enemy which appeared on the plain, *amounted to about five hundred*, and was not sufficient to prevent the advance of the troops, Generals Boyd, Covington, and Swartwout concurred in this opinion. But as a measure of precaution, the witness directed that the troops, should lay on their arms, which they did, though it rained hard all night.

The witness further stated, that he does not know, that any of the gun-boats, or ordnance boats, were ordered down the river, during the action of the 11th. He thinks that four of them, in pursuance of orders, on the 10th, attended General, then Colonel Bissell, in an expedition against an island in advance, where the enemy were stated to be posted.

The witness added, that he knows of no positive order, from the secretary of war, that the expedition should proceed to Montreal; except before explained in his testimony.

The court adjourned to February 11th, 1815, at 10 o'clock, A. M.

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Troy, February 11th, 1815.

The court convened pursuant to adjournment.

Major-general Lewis was cross-examined, on the part of General Wilkinson, as follows:

Cross-examination.

1st Q.—How long have you been acquainted with General Wilkinson? Did you not serve together in the same army, during the revolutionary war? and will you say where, and when?

A.—To the best of my recollection, it is this winter forty-one years, since I was first acquainted with General Wilkinson. We served together, in 1775, at Cambridge, Massachusetts; in 1776 and 1777, with the northern army.

2d Q.—When did General Wilkinson take command at Sackett's Harbour.

A.—He arrived at the Harbour, on the 20th August, 1813; on the 23d, he issued a general order, assuming the command of the district, and committing the command of the post to General Lewis.

3d Q.—What was the state of the water transport, at that time, at Sackett's Harbour? And what number of men, could it bear with their arms, accoutrements, ammunition, clothing, baggage, camp equipage, and ten days provision?

A.—It was very inconsiderable; not more than ten, or a dozen batteaux in the whole.

4th Q.—As second in command, during the operations of the army, in the autumn of 1813, on the northern frontier, were you not, in the entire confidence of General Wilkinson?

A.—I know of no circumstance, that led me to doubt, my having his entire confidence.

5th Q.—Did not General Wilkinson, on his arrival at Sackett's Harbour, expose to a council of war, the objects of the campaign, and submit to their decision, the alternative of attacking Kingston, or making a descent upon Montreal, and what was the result?

General Wilkinson exposes, the objects of the campaign, to a council of war.

A.—General Wilkinson, on his arrival, submitted to the council, the objects as detailed in their minutes, dated 26th August, and produced in court.*

6th Q.—Did not General Wilkinson, on entering on the command, at Sackett's Harbour, take immediate measures, to prepare the troops, for the meditated expedition? And did he not issue orders to that end? And are not those the orders now exposed to you?

A.—He did; and the orders now exhibited, dated the 23d, 24th, 26th, and 27th August, are those he issued.†

7th Q.—Had you received any orders from General Wilkinson, for embarking the troops, from Sackett's Harbour for Grenadier Island, previous to his arrival there, on the 4th of October.

A.—I had not; preparations were commenced previous to my arrival.

8th Q.—Under whose order, and by what authority, were the troops ordered to sail, from Sackett's Harbour to Grenadier Island, previous to the arrival, of General Wilkinson?

A.—They were ordered by me, in consequence of the information I received, that this was the wish of General Wilkinson, and met the approbation of the secretary of war.

9th Q.—Could the movement of the division, from Sackett's Harbour to Grenadier Island, before that expected from Fort George had arrived, have accelerated the expedition down the St. Lawrence?

A.—I think not.

10th Q.—Were not the regiments and corps much divided, between Sackett's Harbour and Fort George? And were not orders issued for their re-union, when the corps should arrive from Fort George, in the neighbourhood of Sackett's Harbour? And was not the army brigaded, and organised for action, before it sailed from Grenadier Island?

A.—To the first part, I answer in the affirmative; to

* See Appendix, No. I. † See Appendix, No. II.

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the latter, I answer, that they were so far brigaded, as to designate, the particular corps to form, each brigade; the order for the last, was issued the 9th of October.*

11*th Q.*—Did you ever receive, or issue any orders, at Grenadier Island, or hold any correspondence with General Wilkinson? If so, will you produce the orders and letters?

A.—I both received and issued orders,† but am not in possession of the latter.

12*th Q.*—During the whole period, from the 4th of October, till your arrival at French Creek, was not General Wilkinson in ill health, and confined to his bed or quarters, generally?

State of General Wilkinson's health.

A.—He generally was, during that period, and long afterwards.

13*th Q.*—Did not General Wilkinson manifest the utmost anxiety, to hasten the progress of the expedition? And do you not believe, he made every exertion, and employed every means, in his power to that end, which disease and his enfeebled condition would admit?

General Wilkinson's exertions, to hasten the progress of the expedition.

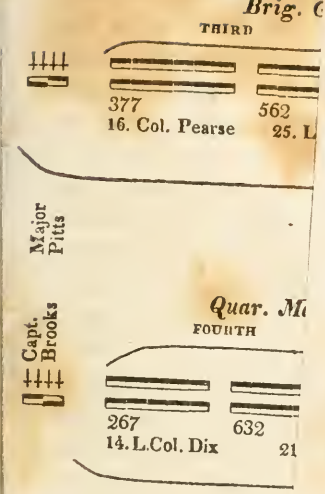
A.—He certainly did, as far as I was capable of judging; and it was matter of astonishment to me, that he could do as much as he did. I never saw him idle a moment, when there was any thing to be done; *when he could not write, owing to his ill health, I saw him dictate to his secretary; and I recollect, that, in one instance, he dictated to two secretaries, at the same time, upon different subjects.*

14*th Q.*—Will you be pleased to state, what were the dispositions, made by General Wilkinson, to save the troops from unnecessary peril, in passing Prescott?

A.—The troops were ordered down by land, except a sufficient number to man the boats; the ammunition was principally taken out; I commanded the army on land, and General Wilkinson took charge of the flotilla.

15*th Q.*—Did you see General Wilkinson in the afternoon of the 6th of November? Had you any conversation

* See Appendix, No. III. † See Appendix, No. IV.



Artillery

Rifle Corps

Dragoons

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State of General Wilkinson's health.

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General Wilkinson's exertions, to hasten the progress of the expedition.

A.—He certainly did, as far as I was capable of judging; and it was matter of astonishment to me, that he could do as much as he did. I never saw him idle a moment, when there was any thing to be done; *when he could not write, owing to his ill health, I saw him dictate to his secretary; and I recollect, that, in one instance, he dictated to two secretaries, at the same time, upon different subjects.*

14*th* Q.—Will you be pleased to state, what were the dispositions, made by General Wilkinson, to save the troops from unnecessary peril, in passing Prescott?

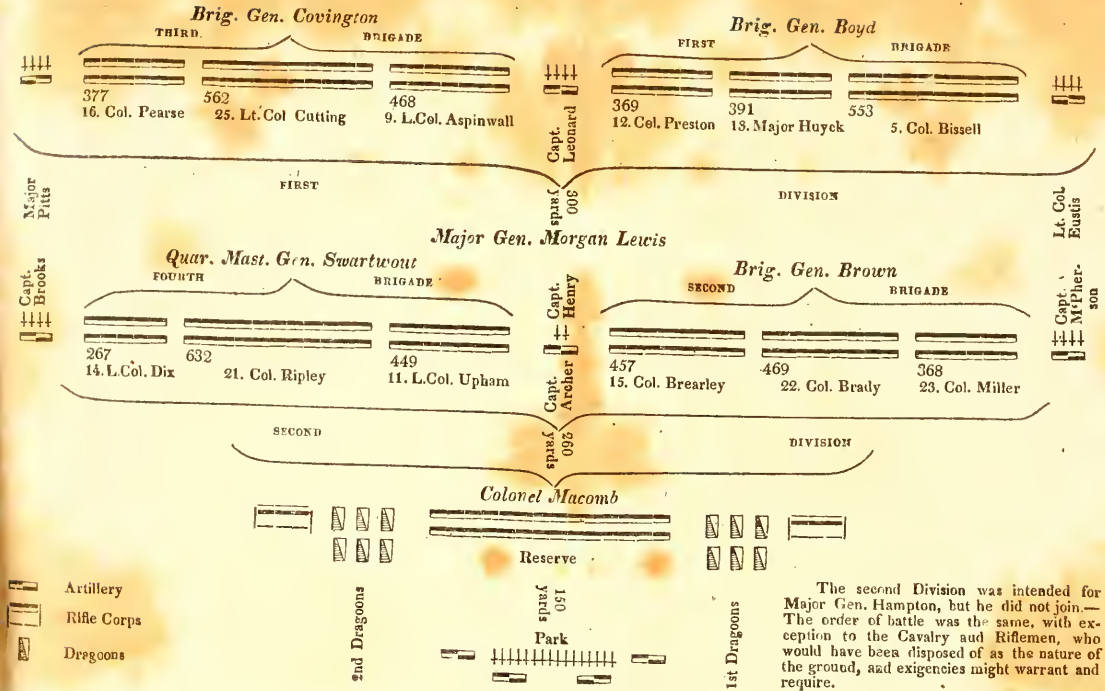
A.—The troops were ordered down by land, except a sufficient number to man the boats; the ammunition was principally taken out; I commanded the army on land, and General Wilkinson took charge of the flotilla.

15*th* Q.—Did you see General Wilkinson in the afternoon of the 6th of November? Had you any conversation

* See Appendix, No. III. † See Appendix, No. IV.

GENERAL ORDER OF ENCAMPMENT.

(See Vol. III. page 126.)



The second Division was intended for Major Gen. Hampton, but he did not join.—The order of battle was the same, with exception to the Cavalry and Riflemen, who would have been disposed of as the nature of the ground, and exigencies might warrant and require.

with him, respecting his manner of passing Prescott? and did he appear to you to be intoxicated?

A.—I saw him, I should suppose, about 4 o'clock in the afternoon, and advised him, on account of his indisposition, to go with the troops by land. He told me, *no;* that he considered the charge of the flotilla, to be more important, and more exposed to hazard, and he would not subject his troops to any hazard, which he would not encounter himself. Doctor Bull and I, then endeavoured to dissuade him from going in his gig; but he replied, that in case of accident, it would be necessary for him to communicate, with every part of the flotilla, which could be effected only in a small boat. Doctor Bull then recommended, that in consequence of his indisposition, it would be necessary for him, to stimulate against the night air. He had then no appearance of intoxication, but seemed to be in high spirits, which I considered as assumed, to inspire confidence.

16*th Q.*—What was the structure of the armed boats, or gun boats, ordered at Sackett's Harbour in August?

A.—They were, generally, small slip-keeled boats, slightly built; such as are common on the lake: there were one or two, of a larger size.

17*th Q.*—Would not a three, or four pound shot, have sunk one of them?

A.—A shot of that weight, could have gone through one of them.

Plans digested to meet every contingency.

18*th Q.*—Were not plans of offence, and defence, digested and issued, to meet any contingency which might occur, with the enemy, by land and by water?

A.—I think so: I cannot figure to myself, any ordinary case, which was not provided for.

19*th Q.*—Was not the arrival of the enemy, at Prescott, on the 8th of November, unexpected?

A.—It was, undoubtedly, unexpected to me.

20*th Q.*—Were not the boats, on our arrival near Ogdensburgh, the night of the 5th, much divided, and the corps separated? And was not an order issued, next

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morning, for them to resume their proper stations, preparatory to a forward movement?

A.—They were; and such orders were issued.

21*st Q.*—Will you state to the court, whether Generals Brown and Swartwout, spoke to you, at French Creek, about the change of the meditated movement, of the army against Montreal, to the attack of Kingston? And if so, what conversation took place on the occasion?

Conversation, between General Lewis, and Generals Brown and Swartwout.

A.—I had a conversation with either one, or both, of those gentlemen on that subject. They requested, that I would communicate to General Wilkinson their opinion, that it would be best to cross from French Creek to Gananoqui, for the purpose of making a direct attack on Kingston. I observed to them, it would be useless to communicate it to General Wilkinson, because I knew, that he considered the military advice of a superior officer, as tantamount to an order, and that I agreed with him in opinion. I further observed to them, that I was an improper character to make the proposition, as they well knew, that I had always been opposed, to a direct attack on Kingston; adding, that even if successful, I did not think the game would pay the candle. In speaking of General Wilkinson's opinion, relative to the military advice of a superior officer, as tantamount to an order, I referred to the opinion of the secretary of war, who I knew was, prior to the expedition sailing, in favour of an attack upon Montreal; and that this opinion had been given, to General Wilkinson.

22*d Q.*—Did you introduce Colonel King, to General Wilkinson, on the 6th of November? And if so, will you inform the court, of the particulars which occurred on that occasion?

A.—I do Sir. I understood Colonel King had arrived, went to visit him on board of General Wilkinson's vessel, told him General Wilkinson had gone down the river, to reconnoitre Prescott, and took him in my gig, to introduce him to the general. As we were going down, he asked me, whether the old gentlemen would be found

in a good humour; for says he, *if he bounces, I shall;** I told him, he might perhaps find the general a little petulant, from indisposition, but that he must give way to him. He said, certainly he should. We met the general by the way, returning. Colonel King asked him, if he had any communications to General Hampton; as he was anxious to return. General Wilkinson, then proposed that we should land, for the convenience of conversation, which we did. We three retired to a little distance from the boat, and sat down on a log. General Wilkinson then asked him, if the report we had was true, that General Hampton's army had been defeated, by a party of about three hundred men. He said, he could not speak with precision, of the number opposed to us; but that we certainly had to contend with a very inferior force, and that our best troops behaved in the most rascally manner. General Wilkinson, then exclaimed, "damn such an army! a man might as well be in hell as command it." He then observed, what is to be expected from men, who as soon as they are enlisted, are marched to the field, without having acquired the first rudiments of their profession. However, said he, my army will behave better, at least I can answer for the troops, which came from Fort George. I received this, as an implied reflection upon the troops, from the Harbour; and therefore observed, the troops from the Harbour will not be behind hand. He then replied, with respect to those, he was not so well acquainted; but for these, Brown and you must answer. This was the substance of what passed, and I believe, pretty nearly the words.

General Wilkinson's exclamation explained.

We afterwards, went to General Wilkinson's schooner, but this, or similar conversation, did not pass on board, in my hearing. We remained until General Wilkinson had written his letter, when I took Colonel King

* A strong indication of the insubordinate temper, and irascible spirit, in which Colonel King, approached the commander in chief, under whom he had a short time before, acted as a Lieutenant of infantry.

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to dine with me. After dinner, Colonel King again, went to General Wilkinson's schooner, before I did.

22d Q.—You have said, that after reconnoitring the enemy, on the 10th of November, with Generals Boyd, Covington and Swartwout, that it was agreed on all hands, the force was such, as not to prevent the march of the troops. Will you say, at what time of the day this took place; and could the troops have marched further that day, with convenience; or without parting with the flotilla, beyond all co-operation, in case of exigency?

A.—It must have been pretty late in the afternoon, as we had scarcely time to make a disposition of the troops, for the night, before it was dark.

27th Q.—At what time, on the 11th of November, did General Wilkinson advise you, to be ready to sail, in twenty minutes notice?

A.—It is impossible for me to be precise, as to the events of that day, as I was sick in my bed.

28th Q.—Independent of the movements of the enemy, in our rear, were there not other causes to prevent the flotilla, from entering the Long Saut, on the morning of the 11th; and if so, will you state them?

Obstacles to the movement of the army, on the 11th.

A.—Most assuredly. The information we had, was that the enemy were on an island, near the *pitch of the Saut*, and that another party occupied a block house on the bank of the river. General Brown was detached to dislodge the one, and Colonel Bissell the other. About 8 o'clock, on the morning of the 11th, I first learnt from Doctor Bull, that the troops had not marched early in the morning, agreeably to my order. I sent to General Wilkinson, to enquire the reason, and he returned for answer, that no information had been received from General Brown, and that Colonel Bissell's pilot had deserted, and delayed his movements, until the morning. It was conjectured, that General Brown had been engaged, with the enemy, as I distinctly heard the firing on the 10th.

29th Q.—If the flotilla had sailed the morning of the 11th, would not General Boyd, and his detachment have

been cut up by the enemy, on our rear, supposing the number to have been 2,500?

A.—It is impossible to say, what would have been the consequences. I should have thought it very imprudent to have left him.

30*th Q.*—Have you had any conversation with General John Armstrong, late secretary of war, respecting the letter, of the 6th of July, addressed to you by General Wilkinson? If so, say what it was, and when, and where, it took place?

Judge advocate's objection.

The judge advocate objected to the above question as inadmissible. The letter itself having been produced, contains all the evidence, which the nature of the case can admit. It must stand or fall, by its own merit; there can be no other test. If the sentiments it advances, comport with the opinions of celebrated commanders, and are correct in themselves, General Wilkinson's justification is complete. If the reverse, no collateral circumstances, no attempt to implicate third persons, by shewing the mode in which the letter became public, can in the slightest degree, absolve the original error.

The court overruled the objection, and the question was answered as follows:

Witness relates the conversation, between the secretary of war and himself, respecting the letter, of the 6th July, 1813.

A.—I had a conversation with General Armstrong, one evening in January, 1814. He asked me, if I recollected the contents of the Milledgeville letter, written to me, by General Wilkinson? I replied, I did not accurately. He then asked me, if it did not contain a sentiment advising me, not to expose my person in battle; and representing that we who were choice spirits, ought not to be exposed to the same hazards, as younger officers, &c.? I told him, I thought not; there was no such impression on my memory. He replied, you are mistaken; it did. I then asked him, how he came to know, the contents of that letter? He replied, that it was an unsealed letter, sent under cover to him, and that both he, and Mr. Parker, had read it.

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31*st Q.*—Will you say, whether you have had any conversation with D. Parker esq., late first clerk in the war office, and *now brigadier-general, and adjutant and inspector-general in the army of the United States*, respecting the same letter? And if so, state what it was?

A.—Yes, I think at Washington, in October, or November last. Mr. Parker asked me, whether I recollected the contents of that letter? And made similar observations to those made by the secretary, as to its contents. I asked him, whether he had not taken a copy of it? for I understood General Armstrong to say, that he had directed him to take a copy of it. He told me, no, that he had not taken a copy. I then informed him, that when the letter was officially called for, it should be produced.*

Questions by the Court.

Q.—Do you know what orders were given General Boyd, on the 10th and 11th of November? Was he authorised to act at his discretion or not?

A.—I know of no order, except the one I gave him on the 10th, relative to the disposition of the troops to meet the enemy.

Q.—What force had General Boyd, under his command, on the 11th? And at what time, did Colonel Upham leave the boats, to reinforce him?

A.—I can only speak from information. It must have been pretty late in the day, when Colonel Upham was detached.

* The extreme depravity, exposed in this transaction, is below the dignity of abhorrence, and a subject of pity. A man in the elevated station of secretary of war, receives a familiar letter of friendship, open, and subject to his discretion. He first exposes it to his clerk, and as he has said, to President Madison, also, then seals, and forwards it, and afterwards, to gratify a vindictive spirit, makes it a ground of crimination against the author, with whom he had been intimately acquainted, thirty-seven years, and for whom he professed a warm friendship. And this, to the shame of his native country, and the reproach of his species, is General John Armstrong.

The court adjourned to Monday, the 13th of February, 1815, at 10 o'clock, A. M. CHAP. IV.

Troy, February 13th, 1815.

The court convened pursuant to adjournment.

The cross-examination of Major-general Lewis, was continued as follows:

32*d Q.*—Did General Wilkinson, on the 4th of October, in company with the secretary of war, Generals Lewis and Brown, and in the presence of these officers, remonstrate, freely and warmly, against making an attack on Kingston; urging the propriety of passing that post, and going directly to Montreal?

A.—I do not know that he did. I always made it a rule, when the secretary and General Wilkinson, were conversing about the objects of the campaign, to withdraw, unless particularly requested to remain.

33*d Q.*—Did the secretary of war, at the same time, and in the presence of the same officers, differ from General Wilkinson in opinion? Did he propose the consideration of his objections, and that a meeting, for this purpose, should take place the day following?

A.—Not to my knowledge.

34*th Q.*—Did such a meeting take place?

A.—Not to my knowledge. I recollect, that on the morning of the 5th, I met General Wilkinson, with a paper in his hand; he informed me, he was going to present to the secretary of war, some thoughts about the objects of the campaign. I told him, I presumed the secretary had been employed upon the same subject, as he had been very busy writing that morning. The general impression on my mind, at that time, was, that the secretary of war, was in favour of attacking Kingston, and that General Wilkinson was for going to Montreal? How this impression originated, I am unable to say; but I recollect, that General Armstrong, one morning, exclaimed "I might have compelled Wilkinson to attack Kingston, if I had only ordered Hampton to Ogdensburgh."

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35*th Q.*—Had you any conversation with General Wilkinson, on his arrival at Sackett's Harbour, respecting the necessity of harmony and confidence, in the higher departments of the army, and particularly respecting Brigadier-general Swartwout?

General Wilkinson represents the necessity of harmony, in the different departments.

A.—On his first arrival, General Wilkinson observed to me, that he understood, Brigadier-general Swartwout, quarter-master-general, was acting in the 9th military district; that perhaps he might entertain some unpleasant feelings towards him, for having arrested his brother,* that he ought not, as he undoubtedly had been the means of saving the young man. He then represented the necessity, of harmony and confidence, in the different departments; and, with his approbation, I called upon General Swartwout, and intimated to him the wish of the General on this point: he replied, that it was, undoubtedly, very liberal in General Wilkinson, and expressed his cordial assent to it.

36*th Q.*—Had you any conversation with Colonel King, respecting his testimony, as delivered on the first day of his examination, and at what time? If so, be pleased to relate it?

A.—At the time mentioned, I had a conversation with Colonel King; recalled to his recollection, the occurrences of the 6th of November, and reminded him, that the conversations relative to General Wilkinson's declarations of the state of the army, passed on shore, while we were seated on the log. He admitted that I was correct; but observed, that a conversation on the same subject, had occurred on board of General Wilkinson's schooner. I do not mean to state by this, that Colonel King entertained an idea, that he had misrepresented, what had passed on board the vessel, but, that the conversation on shore, had escaped his memory.

37*th Q.*—The flotilla, having once entered the Long Saut, could it have landed, before passing it? or, on the

* Samuel Swartwout, the emissary sent by Colonel Burr, to General Wilkinson, at Natchitoches.

passage, could the troops have defended themselves from the boats? How long is this rapid?

A.—I understand, the rapid is eight or nine miles long; but cannot decidedly say, whether boats could, or could not land. In some places, it would be impossible for boats to turn out of the channel, or for troops to defend themselves in them.

38*th Q.*—When General Wilkinson reached Sackett's Harbour, was not the secretary of war, just about to depart for Gravelly Point, in the neighbourhood of Grenadier Island, and had not the carriage actually departed?

Secretary of war, about to depart from Sackett's Harbour, when General Wilkinson arrives.

A.—He was; and I sent to order back his baggage wagon.

39*th Q.*—Did you know at Sackett's Harbour, before the flotilla sailed, that General Wilkinson was decidedly in favour of attacking Kingston, and the secretary of war, General Armstrong, as decidedly opposed to it; and do you recollect at, or about what time, General Wilkinson manifested this opinion?

Secretary of war, in favour of going to Montreal, and General Wilkinson for an attack on Kingston.

A.—After the continuance of the storm, for two or three days, the secretary of war was, undoubtedly, in favour of going to Montreal, and General Wilkinson, some where about that time, for an attack on Kingston.

40*th Q.*—While at Sackett's Harbour, did you not understand, it was the intention of the secretary of war, to accompany the expedition down the St. Lawrence?

A.—I certainly did.

41*st Q.*—What reason have you, for believing that there was not above a thousand men, engaged in the affair of the 11th?

A.—I had an impression, that there were about one thousand, exclusive of the artillery and cavalry, or reserve, from a conversation which occurred at French Mills, between Generals Ripley, Swartwout and myself, and two or three others.

CHAPTER V.

Testimony of Brigadier-general ELEAZER W. RIPLEY.—*His narrative of the descent of the St. Lawrence.—Battle of Chrystler's field.—Fall of General Covington.—Testimony of Colonel* JOHN B. WALBACH, *adjutant general.—Proves General Wilkinson's detestation of drunkenness.—The necessity of detaching General Macomb.—General Brown's advance, necessary to the protection of the flotilla.—Morning General Order of the 10th November.—Estimates enemy's force, between 11, and 1200 men.—Flotilla detained, for want of intelligence from General Brown.—State of General Wilkinson's health.—Sad condition of the army.—Testimony of Colonel* ISAAC CLARK.—*His description of the affair of La Cole mill.—Regular retreat of the army, carrying off dead and wounded.—Testimony of Colonel* DECIUS WADSWORTH, *commissary general of ordnance.—His narrative of the descent of the St. Lawrence, proves General Wilkinson's wish to attack Kingston.—Enemy's gun boats superior to ours in armament.—His opinion, as to the effect of an attack on our rear, on entering the Saut.—Testimony of Major-general* ALEXANDER MACOMB.—*His narrative of the descent of the St. Lawrence.—Description of the affair of La Cole mill.—Precautions to prevent the escape of the enemy.—Orderly retreat, and its effects on the army.—General Wilkinson in the hottest fire.—Conduct of the enemy.—Council of war.—Mistakes of the officer leading the advance.—His opinion of General Wilkinson.—His detestation of drunkenness and immorality.—His conduct on the field.*

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ELEAZER W. RIPLEY, brigadier-general in the United States army, being sworn and examined, as a witness, for the prosecution, deposed:

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Testimony of Brigadier-general E. W. Ripley.

That in September and October, 1813, he was colonel of the 21st regiment of infantry, stationed at Sackett's Harbour, and left that place on the 16th of October, to accompany the expedition, down the St. Lawrence. Previous to this, he thinks, there had been no embarkation of his regiment; but a battalion of the 11th regiment of infantry, attached to his command, under Lieutenant-colonel Upham, had embarked a few days before, whether for the purpose, of proceeding on the expedition, or simply to change position, he cannot tell. They landed about a mile from their former position, and encamped. The month of October was very stormy, and had few pleasant days; there were, perhaps, two or three, near the beginning of the month. He left the Harbour towards night, on the 16th, with a fair breeze, but owing to a sudden squall, many of his boats were dispersed, and driven ashore, and three or four days elapsed, before they reached Grenadier Island. The precise day of their departure, from Grenadier Island, he does not recollect; but they arrived at French Creek, about the 2d or 3d of November. Whether there was any unnecessary delay, at Sackett's Harbour, he could not answer, without knowing the state, of the several staff departments of the army. But there was no delay at Grenadier Island, for which a commanding general could be accountable, owing to the variable, and tempestuous state of the weather.

Leaves the Harbour on the 16th.—Many of his boats dispersed, and driven ashore.

He further testified, that the orders at French Creek, were, that the troops should embark about 3 or 4 o'clock, in the morning; as to the precise time, he is not certain. His regiment was in the rear brigade, and they were a long time in their boats, waiting for those in advance, to move. It was nearly 10, or 11 o'clock, he should judge, before the expedition began to descend the river. Between 11 and 12 o'clock, at night, after the troops under his command, arrived at the place of halting, below Morrisville; they had suffered severely from the cold. Their orders then were, to disembark, build fires, and be ready to embark again, in two or three hours; the last was subsequently countermanded, and he should have deemed

Troops suffered much from cold, on their passage down the river. Ordered to disembark, and build fires.

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Impracticable, after landing, to have passed Prescott, before 10 or 11 o'clock next day.

it impracticable, after landing the troops that night, making the necessary arrangements, and again embarking, to have passed Prescott, before 10 or 11 o'clock, the next day; when they would have been exposed, to the morning fire of the enemy.

Had the troops, however, started from French Creek, at reveilleé, pursuant to orders, he should have considered it practicable, to have landed them by evening, made the necessary dispositions, and passed Prescott the same night, in the way they afterwards did. After passing Prescott, a part of the army halted in the morning, six or seven miles below Ogdensburgh, and continued there about a day; General Macomb was detached from thence to carry a battery, on the opposite shore, and the witness, with his regiment, returned to Ogdensburgh, to secure an ammunition boat. Having succeeded in this, and while at the point below Ogdensburgh, he received a note from Doctor Pendergast, directed to General Wilkinson, or the officer commanding; he opened, and found it contained intelligence, that sixty boats of the enemy, were in sight of Ogdensburgh. The witness immediately took a boat, proceeded down the river, and, having came up with General Wilkinson's schooner, at the foot of the rapids, handed the note to him, on the deck of his vessel.

Receives intelligence, of the enemy's flotilla being in sight of Ogdensburgh, which he conveys to General Wilkinson.

To a question, whether parties of observation were stationed at different points, on the American shore, to ascertain the force, and watch the movements of the enemy? he answered, that he knew nothing, of the inspector general's department; he only knows, that general dispositions were made, for the security of their camp; and these he supposes, were conformable to established usage. On being asked, whether dragoons were despatched, on the Canada side, to reconnoitre in the rear, for the like purpose? he answered, that from the point, where they crossed over from the American side, he understood, dragoons marched down by land, on the Canada shore; that they were in motion in the afternoon, of the 10th, but how far they scoured in our rear, he could not say.

ORDER OF MOVEMENT OF THE FLOTILLA.

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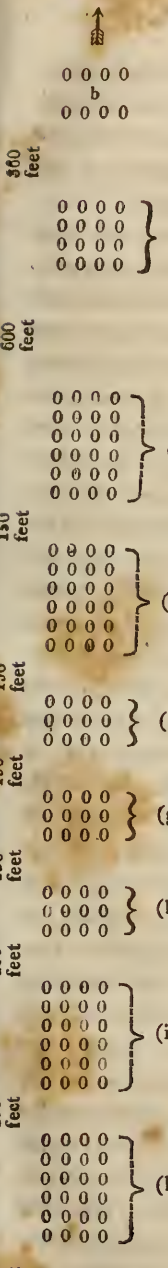
Explanatory Remarks.



The witness further testified, that the orders which he received on the 11th, and which he understood, came from General Wilkinson, were, to move with his regiment, and outflank the enemy's left. This order he executed.

Description of the battle of Chrystler's field.

He further stated, that, at the battle of Chrystler's field, his impression was, that there was an error somewhere. His regiment formed the advance, and he had no idea of encountering any enemy, but the militia, and a few regulars, who had been hovering about them, the day previous. The first intimation he had to the contrary, was on encountering, within half musket shot, a body of regular troops, who rose from a ravine, where they had been concealed. In the early part of the action, there appeared to be a perfect concert, between General Covington's brigade and his regiment, but no concert with the first brigade. At the close of the engagement, the witness received from General Swartwout, an order to retire, and form his regiment on the ground, where the battle commenced. While in this position, he received a second order, to repair to the boats; and his impression is, that Colonel Walbach rode up, and gave the order. Their retreat was not molested by the enemy, whose numbers, on that day, according to his calculation, could not have exceeded 1800 men. The witness added, that we ought to have beaten the enemy, as it is his impression, that our force brought into action, and including the reserve under Colonel Upham, numerically speaking, was, no doubt, superior to theirs, though not to a great amount. In the above computation, General Brown's detachment was not included. The battle, he considered, was a drawn one, and he attributed it, in part, to the fall of General Covington, at a moment, when he was gallantly leading his column, to carry the enemy's artillery. By his fall, a partial confusion was produced in his brigade. Another cause of the failure, was, the first brigade, not following Covington's, and the artillery, not being brought into action, until late.

Fall of General Covington.

The witness also testified, that, in accompanying the flotilla, down the Saut, he saw one point of land, where

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it was remarked, that some militia and others had been posted; and the boats, to keep the channel, must move very near the shore. In the cove, above the bluff, a few boats might have landed, but not the whole flotilla. He added, that in this passage, it is extremely dangerous, to leave the channel, on account of numerous eddies, which are destructive to boats.

Provisions left by the artillery, when wrecked, sent for by the quarter-master-general.

He further deposed, that some provisions had been left on shore, by the artillery, whose boats had been wrecked, between Sackett's Harbour and Grenadier Island; but these, the quarter-master-general informed him, he had sent for. On his arrival at French Mills, he also discovered, one company of his regiment, selling pork, and on investigation, found they had taken four or five barrels, from the transports; the men, however, were obliged to account for it in their rations. During the expedition, all the boats of his regiment, had on board provisions; but he does not recollect, that any particular charge, was given him respecting them; and if there had, he should have disclaimed it, and turned them over to his quarter-master.

Four or five barrels of provisions taken, by men of witness's regiment, accounted for, in their rations.

The witness closed, by stating, that as part of his regiment, was out of provisions, the third day after leaving Sackett's Harbour, he presumes, they must have had only two days rations on hand, when they sailed.

Cross-examination.

The direct examination, of Brigadier-general Ripley, being closed, he was cross-examined by Major-general Wilkinson, as follows:

1*st Q.*—Can you say, what was General Wilkinson's attention to the police, discipline, and preparation of the the troops, for action, immediately, after his arrival at Sackett's Harbour?

General Wilkinson very attentive, and kept the troops on the alert.

A.—He was very attentive; gave the troops much activity; but they had been very active before his arrival. Great attention had been paid, to the discipline of the troops, the whole season, and the army contained a great number of new recruits.

2*d Q.*—Can you say, what was the quantity of transportation at that place, on General Wilkinson's arrival?

A.—About the 27th of August, there was transportation for about eleven hundred men; but I cannot say to whom it belonged.

3d Q.—Were the dragoons mounted; or the men decently clothed?

A.—The dragoons were not mounted, nor the men dressed in the style they ought to be. It was impossible to procure clothing for them.

4th Q.—In what health was General Wilkinson, when he returned from Fort George?

State of General Wilkinson's health.

A.—I considered his health extremely poor. I saw him, afterwards, during the descent of the St. Lawrence, and at French Mills, and thought him a very sick man.

5th Q.—Who was the officer, that commanded the battalion, which embarked at Sackett's Harbour, before the general embarkation?

A.—Colonel Upham.

Knows of no neglect of the public property, or disregard to the honour of the troops, that can attach to General Wilkinson.

6th Q.—Have you known of any neglect, in General Wilkinson, of the public property of any kind; or a disregard of the honour of the troops, he commanded; or the interest of the nation confided to him?

A.—I know of none, which can attach to him, personally.

7th Q.—Did you know, or hear, of the general officers, reconnoitring the enemy, on the 10th of November?

A.—I recollect, General Lewis, on that day, borrowed my spy glass, and viewed the enemy, from different points. But I saw no general officer, advance in front of the troops, with a guard of dragoons, and reconnoitre. It was almost impossible, to reconnoitre the enemy, as they were posted in the woods.

8th Q.—Do you know of any motive, for Gen. Brown's being detached to the front of the army, descending the St. Lawrence, on the 10th of November?

A.—None, except from hearsay. I understood, it was to carry a work of the enemy, which was deemed necessary, before descending the Saut.

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9*th Q.*—Did you not hear the firing, of General Brown, on the 10th of November, and at what hour?

A.—I am not certain.

10*th Q.*—At what hour, did the affair of Chrystler's field commence? And had there not been an alarm in the morning, of the approach of the enemy in force?

A.—I cannot tell the precise hour; perhaps, 11 or 12 o'clock, there was an alarm from the gun-boats. There was one, also, on shore of some description, or other, which caused a movement of the troops.

11*th Q.*—Were the troops formed in battalia, previous to the attack of the enemy, at Chrystler's field? Was the artillery stationed, and the cavalry posted, to sustain the action, or break down the enemy, if any opening should be made for a charge?

Description of the attack at Chrystler's.

A.—There were no lines formed; the troops were not in order of battle, but in columns to march down the river. The artillery was not stationed, nor the cavalry posted, with a view to meet the enemy.

12*th Q.*—Was the attack a general one, by the simultaneous movements of the several corps, and brigades? or was it made in pieces, by successive detachments, which followed each other?

A.—There was no simultaneous movement, of corps and brigades, in order of battle; but one of the whole column towards the enemy; they marched on at various points.

13*th Q.*—At what time, did Colonel Upham get into action, with his reserve?

A.—It was after the action had nearly closed, he marched up, and gave the enemy a sharp fire.

14*th Q.*—Did you see, any wanton waste, or destruction of provisions, by the troops, descending the St. Lawrence?

A.—I saw none.

15*th Q.*—Did you observe, or understand, that General Wilkinson, by word, or deed, ever encouraged such waste or destruction?

A.—Never.

16*th Q.*—Can you say, how the action was commenced, whether by the enemy hanging on, and teazing our rear, or by our seeking and attacking him?

A.—The action commenced, by their hanging on our rear; and their advance party firing upon us.

The court adjourned to Tuesday, the 14th February, 1815, at 10 o'clock, A. M.

Troy, February 14th, 1815.

The court convened pursuant to adjournment.

Col. JOHN B. WALBACH, adjutant-general, in the army of the United States, being sworn, as a witness, on the part of the prosecution, testified as follows:

1*st Q.*—In November, 1813, did you accompany the expedition, down the St. Lawrence, and in what capacity?

A.—I accompanied the expedition, as adjutant-general of the army, under General Wilkinson.

2*d Q.*—At what hour, were the troops directed to leave French Creek, on the 5th November? And at what hour, did they actually sail?

A.—The order for embarkation, was as follows:

AFTER GENERAL ORDERS.

"*Head Quarters, French Creek, 4th November,* 1813.

"As there is no appearance of rain, the commander in chief recommends, that there should be no general encampment; that the men properly assigned, by brigades and corps, should make large and comfortable fires for themselves. After general order, 4th Nov. 1813.

"The '*general,*' will beat in place of '*reveilleé,*' at 4 o'clock, to-morrow morning, and the baggage, camp

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equipage, &c. is to be packed, and loaded on board the boats; half an hour after, the '*march*' will beat, when the troops are to embark. These signals are to be given from the tent occupied by the General, and to run through the line. At 5 o'clock, Colonel Eustis will discharge two guns, on which, the boats will put off, and proceed agreeably to the order of the day."

In pursuance of the above order, the troops began to enter the boats, at the hour appointed; and signals were beat. The flotilla was not in order to proceed, until 10 o'clock; a number of the boats were aground, and difficult to be got off.

3*d Q.*—At what hour, in the evening of the 5th, did the flotilla halt, below Morrisville?

A.—I was sent in advance, in General Wilkinson's barge, to meet General Swift, and the troops did not arrive till evening, part of them, not until 10 o'clock, or perhaps later. The whole force, must have been landed by 12 o'clock.

4*th Q.*—Did you see General Wilkinson, in the afternoon and evening, of the 6th November, before, and while passing Prescott? What was his situation, at the time, in point of temperance?

A.—I left General Wilkinson, by his orders, about 4 o'clock in the afternoon, to visit the officers of the several corps and brigades, to ascertain, whether his private orders, relative to passing Prescott, were perfectly understood; and that there might be no confusion. About three hours after, it being already dark, I returned to the schooner, and found that Colonels Scott and Gaines, (I believe General Swift) and some other officers were then on board. General Wilkinson held Colonel Gaines's hand, welcomed him, and appeared to be much elated. I asked General Wilkinson, whether he had any further orders, and told him the troops which were to march by land, were preparing to form. General Wilkinson, directed me then, to go, make the arrangements, and he would follow. After being three or four minutes on

board, I left the schooner, and did not see General Wilkinson again that night.

5th Q.—Was he at any time, in the evening, of the 6th, intoxicated, and incapable of discharging his functions, as commander in chief?

A.—Not that I can say; he was elated, as I before mentioned.

General Wilkinson not intoxicated on the evening of the 6th.

6th Q.—At what time, the next morning, did you see General Wilkinson, and was he then intoxicated, or incapable of discharging his duties, as commanding general?

A.—A little after sun-rise, the next morning, I saw General Wilkinson below Ogdensburgh, standing by a fire in an open space, in the woods, he appeared to be much fatigued, and unwell; he was not then intoxicated, or incapable of discharging his duties. He informed me, that by some cowardly, or treacherous act, an ordnance and some other boats, had run into Oswegatchie; and he gave me orders to repair there, and see to it. I informed the General, my horses were far in the rear, and he told me to take a citizen's horse, standing near, and go, which I obeyed.

Saw General Wilkinson the next morning, he was neither intoxicated, nor incapable of duty.

7th Q.—Did you convey any orders, from General Wilkinson, on the 10th November, to General Boyd, or any other officer, on shore? and what were these orders?

A.—I received no order, from General Wilkinson, except the general order, dictated by him in his bed, on the 10th, in the morning. He at the same time, desired me to leave General Brown, and put myself under the orders of General Boyd. I did not see him again, until after passing the Saut. On the evening of the 10th, I called, but was informed, he was too ill to be seen. After the battle of the 11th, I received an order from him, through Colonel Pinkney, to take charge of the artillery, escorted by dragoons, and deliver them, *at the peril of my life*, to General Brown. General Boyd gave the orders, for the embarkation of the troops, after the battle, and the first brigade embarked, without my knowledge.

General Wilkinson orders witness to accompany escort with artillery for General Brown.

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The court adjourned to Wednesday, the 15th February, 1815, at 10 o'clock, A. M.

Troy, February 15th, 1815.

The court convened pursuant to adjournment.

Cross-examination.

The cross-examination of Colonel Walbach, was commenced by General Wilkinson, as follows:

1st Q.—In what capacity, have you served with General Wilkinson? for how long a time, and in what parts of the United States?

A.—I joined General Wilkinson, at the city of Washington, the latter part of 1801; received the command of a detachment of dragoons; accompanied him to Pittsburgh, the middle of December, the same year. At Pittsburgh, General Wilkinson attached me to his family, as an extra aid-de-camp. In April, 1802, in this capacity, I accompanied him to Presqu'isle, Buffaloe, Black Rock, Fort Niagara, &c., on Lake Ontario; returned to Pittsburgh, thence went down the Ohio, to the encampment, at Wilkinsonville, thence to South-west Point, in Tennessee, returned to Wilkinsonville, proceeded down the Ohio, and Mississippi, to Chickasaw Bluffs; thence to Natchez, and Fort Adams, Mississippi Territory. After this, visited the Chactaw and Chickasaw nations, and went to the big bend of the Tennessee; here General Wilkinson left me, in March, 1802. I, afterwards, met General Wilkinson, at the agency of the Chactaw nation, accompanied him from thence, to the Creek nation, and Fort Wilkinson, in Georgia, where he held a treaty with the Indians: there I left him. In the spring, of 1803, I again joined General Wilkinson, at Natchez, accompanied him to Fort Adams, and after some time parted from him. In May, 1804, I met him in New York, and accompanied him to Washington, where I left his family, to join my regiment.

2d Q.—Did you ever know him to shrink from duty, or attempt to impose on others, what he was not willing

to do himself, from the life of a private, to the command of a chief?

A.—I never did.

3*d Q.*—Was he not always attentive to the habits, manners, dress, health, police, and discipline of the troops? And did he not detest drunkenness?

A.—Particularly so.

General Wilkinson's detestation of drunkenness.

4*th Q.*—Have you not known him, when he found an old battalion, lost in ignorance, order the commissioned officers, to be drilled by his division quarter-master, and the non-commissioned officers, by his aid-de-camp? And has he not, occasionally, attended those drills in person?

A.—I have.

His zeal in the service of his country.

5*th Q.*—Has he not always appeared, zealous in his attachment to the public service; devoted to the honour of his profession; and faithful to the cause of his country?

A.—Yes, as far as I have been able to see.

6*th Q.*—Were you not attached to his person, in the campaign of 1813, on the northern frontier? and in what capacity?

A.—I was attached to the staff of his family, as adjutant general.

State of General Wilkinson's health.

7*th Q.*—When he returned from Fort George to Sackett's Harbour, the beginning of October, was he not ill, and, with the exception of a few days, confined to his room, or his bed, until he sailed for Grenadier Island, the 21st of October?

A.—He was.

8*th Q.*—Were not the corps composing the divisions at Fort George, and Sackett's Harbour, very much broken and deranged?

A.—They were.

9*th Q.*—Were not orders issued at Sackett's Harbour, to incorporate, and consolidate the several corps, thus frittered into detachments?

A.—Yes,

10*th Q.*—Were not those necessary preparations, to

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the movement of the army, made at Sackett's Harbour, before its embarkation?

A.—Orders were issued to that effect, and they were necessary.

11*th Q.*—Were any orders issued by General Wilkinson, for supplying the troops, with ten day's provisions, after he reached Sackett's Harbour?

A.—Not to my recollection; but I have some faint impression, that an order to that effect, was issued, but I know not by whom.

The arrival of troops from Fort George, a necessary preliminary, to the organization of the army.

12*th Q.*—Could the army, be organized into brigades and divisions, and arranged for action, before the division from Fort George, arrived at Sackett's Harbour?

A.—It could not.

13*th Q.*—What was the state of the winds, and the weather, after General Wilkinson reached Sackett's Harbour? And was there any unnecessary delay, at that place, before the troops sailed for Grenadier Island?

A.—We had very few days good weather; the rain was almost incessant for several weeks. I know of no unnecessary delay.

Miserable state of troops and transport, at Grenadier island.

14*th Q.*—What was the state of the troops, and of transport, at Grenadier Island?

A.—*Miserable.*

15*th Q.*—Were not orders issued, to regulate the movements of the flotilla, down the St. Lawrence river, calculated to meet every exigency? And were not diagrams, and signal flags, designed and delivered to the several corps, to prevent confusion?

A.—They were at Grenadier Island; and issued at French Creek.

16*th Q.*—Do you believe a moment's delay, was unnecessarily made at Grenadier Island, at French Creek, near Ogdensburgh, at the White House above Hamilton, or afterwards, during the campaign?

A.—Not within my knowledge.

17*th Q.*—From your observation of the disposition, of the enemy on the Canadian shore, and the circumstances

of the navigation of the St. Lawrence, was not the detachment of Colonel Macomb, with the elite corps, a judicious and necessary measure?

Necessity of detaching Colonel Macomb.

A.—I should suppose it necessary, as from the information I had received, the current set in towards the British shore, and there was a battery occupied by troops. On the 7th, shot were fired from field pieces, moving by land down the river, at General Wilkinson's boats. This occurred the same evening, Colonel Macomb made his attack, and before information had been received from him, as to the result.

18*th Q.*—From similar considerations, was not the march of General Brown, on the 9th of November, and the detaching him to the front on the 10th, a precaution essential to the safety of the troops, while descending the St. Lawrence?

General Brown's advance, essential to the protection of the troops, descending the rapids.

A.—It was, according to my opinion, to prevent our boats from being harassed, in descending the rapids, and at the foot of them.

19*th Q.*—Did you march with General Brown, on the 9th of November, from the Narrows to the Yellow House? At what hour did the corps move; and at what hour halt; and what distance did you march?

A.—We left the British shore, opposite the White House, perhaps from 9 to 10 o'clock, in the morning of the 9th. I did not reach Chrystler's farm, with the rear guard of General Brown's brigade, until sunset. I know not the distance we marched; it was, perhaps, fifteen miles.

Flotilla proceeds much more rapidly than the detachment.

20*th Q.*—Will you describe, the circumstances of this day's movement, and say whether the flotilla, did not float with the current two miles, in the same time, the troops marched one?

A.—We marched in the morning, before the boats sailed, and they passed us about half way. The boats proceeded much more rapidly, than the detachment on shore.

21*st Q.*—Will you describe what were the occurrences, of the 10th of November; and at what distance the

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flotilla came to, that day, from the head of the Long Saut?

A.—I suppose the flotilla stopped, about three miles from the head of the Long Saut; there was skirmishing with the enemy about noon, in which they were repulsed; several of our men were killed, and one officer, Lieutenant Corry, of the 25th, wounded.

22d Q.—Did not the order of the 10th of November, leave General Boyd, the discretion, to meet and fight the enemy, according to his own judgment, should they attack, or press his rear?

A.—Such an order was dictated by General Wilkinson, from his bed, and is in the following words:

MORNING GENERAL ORDERS.

"*Head Quarters, Tuttle Bay,*
10th November, 1813.

Morning general order, 10th Nov. 1813.

"General Brown will prosecute his march, with the troops yesterday under his command, excepting two pieces of artillery, and the 2d dragoons, who, with all the well men of the other brigades, except a sufficient number to navigate the boats, are to march under the orders of Brigadier-general Boyd. This precaution is enjoined, by regard to the safety of the men's lives, in passing the Long Saut: and, as this rapid is long, and dangerous, the General earnestly requests, the commanding officers of regiments, and companies, to examine the boats, and see them properly fitted, in order to avoid accidents, as much as possible. Brigadier-general Boyd, will take the necessary precaution, to prevent the enemy who hangs on our rear, from making an advantageous attack; and if attacked, is to turn about, and beat them. The boats are to resume the station, assigned them in the original order, respecting the flotilla; and for this, the commanding officers of regiments, or brigades, will be held responsible. The movement of yesterday, was a reproach to the service. The flotilla will come too to day, at Barnhart's, near Crab Island, and two guns from the

front, will be the signal for landing. In case of an attack in force, beyond all expectation, the columns under Generals Boyd and Brown, are to co-operate with each other, promptly, and with decision. The general officer of the day, will see that the flotilla puts off, and moves in the prescribed order; and will arrest any officer, who presumes to deviate therefrom."

23*d Q.*—Did not the enemy fire on, and endeavour to harass the rear of General Boyd's command, on the morning of the 11th November, before the general action commenced?

A.—Yes; the advance of the enemy, made their appearance early in the morning; they did not attack, though a pistol or two was fired. Our army made no movement, in consequence of it. Afterwards, when the gun boats fired upon our lines, we retired; refused our right, and threw our left towards the woods.

24*th Q.*—Were you not engaged in the affair of the 11th of November? Had you a fair view of the enemy's force that day; and what was their strength, according to your judgment?

A.—I was: and had a fair view of the enemy in the plain, exclusive of those in the woods, and in the houses; and suppose the whole, regulars, Indians, and militia, to have been between eleven and twelve hundred.

Estimates the enemy's force, at between 11 & 1200 men.

25*th Q.*—What was our force, in your opinion, engaged on that day, including infantry, cavalry, and artillery, under General Boyd, and the reinforcements, under Colonel Upham?

A.—The infantry (exclusive of Colonel Upham,) were from thirteen to fourteen hundred; the dragoons, after some were dismounted, to furnish horses for the artillery, and other purposes, were about one hundred and twenty; there were two pieces of artillery at first, and more were sent from the boats during the engagement.

26*th Q.*—Were not the artillery horses moved off with General Brown, and do you know by whose authority?

A.—They were; but I know not by whose order.

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27*th Q.*—Were not dragoons dismounted, and their horses employed, in drawing into the action, the four pieces of field artillery, landed from the boats?

A.—They were.

28*th Q.*—Did not the enemy engage General Brown, on the 10th of November? Did you hear the firing; and what time of day did this happen?

A.—I heard the firing of General Brown, down the St. Lawrence, about 11 or 12 o'clock; and we supposed, he was engaged with the enemy.

29*th Q.*—Do you know what were the causes, which prevented the flotilla from descending the Long Saut, on the 10th of November?

Flotilla detained, for want of intelligence, from General Brown.

A.—We waited for information, of General Brown's movements.

30*th Q.*—Do you know, what prevented the sailing of the flotilla, on the 11th of November?

[*No answer inserted in the official copy received from the war department.*]

31*st Q.*—If the boats and troops had put off, and entered the Long Saut, on the morning of the 11th of November, would not General Boyd, have been exposed, with only two pieces of artillery, and without the reinforcement of Colonel Upham, to the whole force of the enemy, which he engaged that day?

The halt of the flotilla necessary, for the protection of General Boyd.

A.—Certainly. We could expect, no immediate reinforcements from any other quarter, after the boats entered the Long Saut.

32*d Q.*—After the troops that had fallen back, were reinforced, and supplied with ammunition, on the 11th of November,; did you see any reason why the attack, on the enemy, should not have been renewed?

Action ought to have been renewed.

A.—I expected the attack would have been renewed, after reorganizing the brigade; and was fully convinced, if it had been, the enemy would have been beaten.

33*d Q.*—Did the enemy press you, in retiring from the ground of action? Or, did they advance afterwards, that day?

A.—No.

34*th Q.*—When General Wilkinson arrived at Sackett's Harbour, or in a few days after, did he not manifest a disposition, to attack Kingston; and is the paper now presented to you, a translation into the French language, of the address, he proposed to offer, to the inhabitants of that place, and its neighbourhood?

A.—He did. Between the 8th and 12th of October, (I cannot be very precise as to the date,) the address produced, and read in court, was prepared.

35*th Q.*—Did the orders, and arrangements of General Wilkinson, during the campaign of 1813, manifest great zeal, and attention to the honour, and interests of the government; and did he not make every exertion, in his power, to attain the great objects of the campaign?

A.—As far as came within my knowledge.

36*th Q.*—Did you see any wanton waste, or destruction of provisions, by the soldiers, during the campaign of 1813? And did you ever hear, of General Wilkinson's, encouraging such profligacy, by word or deed?

A.—Not to my knowledge.

37*th Q.*—In the whole course of your service, with Gen. Wilkinson, did you ever hear of, or observe any neglect, or disregard of the public property, of any kind, on his part?

A.—Not within my knowledge.

38*th Q.*—Did you ever receive any reports, or returns of the division, under General Hampton, from Colonel King, his adjutant-general, after you joined the troops, at Sackett's Harbour?

A.—None to my recollection. I took with me several reports and returns, when I left General Hampton's army, at Burlington; they were taken by his desire, but not officially. Whether they were signed by Colonel King, I know not. General Hampton stated to me, 'You may take these returns, and inform General Wilkinson, *that, in case of necessity*, I should feel no dislike, to co-operate with him; notwithstanding, I understood when I left Washington, that I was to have a separate and independent command.' I believe, I mentioned it to General Wilkinson, some time after my return.

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39*th Q.*—From the time you saw General Wilkinson, at Sackett's Harbour, the 4th of October, 1813, until you parted with him at French Mills, the 23d of November, what was the state of his health? And did you not leave him confined to his bed, greatly emaciated, and unable to set up?

Proves the state of General Wilkinson's health.

A.—He was generally ill; I did not see him out of his bed, at French Mills, and left him confined to it, greatly emaciated.

40*th Q.*—From your observations, what was the health of the army, after it left Sackett's Harbour, until the 11th of November, and what was the prevailing disorders?

A.—The army was sickly, principally with the dysentery; and the sickness increased daily. I believe, there were as many as eighty out of one hundred, who were afflicted with this complaint; most of them however performed duty.

41*st Q.*—Did you ever converse, with Doctor Ross, respecting the quality of the flour, served to the army, at Sackett's Harbour, and its vicinity?

A.—According to the reports of Doctor Ross, and my own observation, the unusual sickness was ascribed, to the bad quality of the water, and provisions, particularly the flour, and bread.

The court adjourned to the 16th February, 1815, at 10 o'clock, A. M.

Troy, February 16th, 1815.

The court convened pursuant to adjournment.

Major-general Wilkinson, being prevented by indisposition, from attending, the court adjourned to Friday, the 17th February, at 10 o'clock A. M.

Troy, February 17th, 1815.

The court convened pursuant to adjournment.

The cross-examination, of Colonel Walbach, was resumed as follows:

42*d Q.*—Be pleased to inform the court, why the orders, respecting the flotilla, of the 29th and 30th of October, dated at Grenadier Island, were issued at French Creek, the 4th November?

A.—It was to keep, the intended movement of the army, secret from the enemy.

43*d Q.*—Did not General Wilkinson, reach French Creek very ill? And did he leave that place, in the same situation? And was there any council of war, held there?

A.—I did not see him, until late in the evening of the 4th, when in all appearance, he was much indisposed; and left French Creek, in the same situation. There was no council of war, to my remembrance, at French Creek.

Examination of Col. Isaac Clark.

ISAAC CLARK, Colonel of the 26th regiment of United States riflemen, being sworn and examined, as a witness, on the part of the prosecution, testified,

Affair of La Cole Mill.

That in March, 1814, (he thinks, on the 29th of the month) he accompanied Major-general Wilkinson, in the expedition against the Mill of La Cole, in the province of Lower Canada. He commanded the advance guard, of the army, consisting of the riflemen under Major Forsyth, the 30th and 31st regiments of infantry, and part of a company of the 11th, in all amounting to about six hundred men. He could not state exactly, what was the whole effective force, employed in the expedition, but from observation, he should say, it was between three and four thousand men. His first orders were given to him, by General Wilkinson, who informed him, he was to command the van, and designated the corps, which were to compose it. Subsequently, he received orders from Colonel Cummings, adjutant-general. He could not tell, what time the army left Plattsburgh, as he was ordered from Massisque Bay, and joined it at Champlain, about eight miles from La Cole Mill. The distance of the latter, from Plattsburgh, is about thirty

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miles. The roads were bad, and the season unfavourable; but the day, on which they marched, was pleasant.

The van marched from Champlain, about 10 o'clock in the morning; and according to his impression, though he cannot be precise, it arrived before La Cole, about 1 or 2 o'clock, P. M. In their approach to it, they had to turn off from the main road, and proceed nearly four miles, through the woods; they had nothing but a sleigh path, not wide enough for artillery, and in many places obstructed by trees, cut down for the purpose; axe-men were employed, to clear away these obstacles, and in some parts to straighten the road. Parties of the enemy also occasionally appeared, but did not much impede their march. The witness further stated, that he does not know, of there being a better road, than the one they took. What pieces of artillery, accompanied the army, and of what calibre, it is impossible for him to tell, but it was said, there was an eighteen, a twelve, and a six pounder. They had draft horses with them; but what number of them, he does not know; nor whether any oxen, accompanied the expedition. The Mill he should judge is about fifty, or sixty feet long, and forty feet broad. It is a strong building, and the stones which form the walls are principally large and heavy. The walls must be from two and a half, to three feet thick; and resisted, what were called twelve pound ball, for two hours, and no visible impression was made on them. There were several log buildings, adjacent to the mill, which appeared to be occupied by the enemy, and from which there was firing. There was also a building, called a block house, but he did not conceive it was built purposely for that use. He thought the enemy had one piece of artillery; but whether the shot proceeded from the mill, or from a gun-boat adjacent, he could not say. It was impossible to ascertain the number of the enemy, from appearance, as they were under cover. But from information, given by deserters and prisoners, there must have been six, or seven hundred men, (in and about the mill)

Mill a strong building, and resisted 12 lb. shot, for two hours.

Estimates the enemy's force at 6 or 700 men.

consisting of four companies of the 13th regiment, and forty or fifty incorporated militia. In addition to these, two companies of voltigeurs came up, an hour and a half after the commencement of the action, attacked our line, and on being repulsed, also retired into the mill. The walls of the mill, are three stories high, and in every direction were loop holes, and apertures for musketry, and some through the roof. The mill had one door, on the east side, but none was visible in the south, where we made our approaches. Half an hour after the attack commenced, two pieces of artillery, a twelve and a six pounder, were brought up, and opened a fire upon the mill; but the eighteen pounder did not approach, the scene of action, within a number of miles. Why it remained behind, he could not say; but after finding, that no impression was made, by the two pieces employed, he rode to General Wilkinson, and asked, whether he had not some heavier artillery? The adjutant-general, or some other officer near him, replied, that the carriage of the eighteen pounder was broken. He also deposed, that the roof of the mill was of wood, but that no red hot shot, was used to set fire to it, as they had no furnaces. During the attack, two companies, who he understood from deserters, were part of the 13th regiment, sallied from the mill, upon the centre of our line, apparently to take the field pieces. They were defeated with great loss, very much cut to pieces; and after their repulse re-entered the mill. It would have been rather difficult, for our troops to have followed them up, and entered the place with the enemy, as the mill was very well guarded; and he heard of no proposition, to that effect, at the time. He does not know, whether the surrender of the place, was demanded; but was confident, there was no flag sent out.

Description of the mill.

Repulse of a sallying party, from the mill.

The mill was on the north side of a stream, frozen over; our attack was against the south side. The advance was regularly posted, and the fire of the artillery was kept up about two hours; there was perhaps a short

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Firing ceases.

cessation for want of cartridges. The firing of musketry, on both sides, continued until our artillery was moved out of danger; and the whole ceased near sun down. Our army remained near the scene of action, not exceeding half an hour longer. The witness, then, by order of General Wilkinson, withdrew a party of four hundred men, (consisting of Major Forsyth's riflemen, and 200 men of General Bissell's brigade) who had been detached to the rear of the mill, to cut off the retreat of the enemy, in case our artillery had effected a breach, and battered down the wall. The whole army, shortly after, marched back to Odletown, about six miles distant, where they remained during the night. There was nothing hasty, or precipitate in this retreat. Orders were given to collect all the dead and wounded, before the army retired, which was accomplished, as far as related to the corps he commanded; and the wounded were principally, sent to Champlain. The day following, the army commenced its retrogade march to Plattsburgh.

Army returns to Odletown.

Retreat regular, and the dead and wounded carried off the field.

The witness also stated, that the artillery pointed against the south side of the mill, were not in an oblique position: the shot struck square, and there was no glancing. He could not undertake to say, whether the place ought to have been carried, by the force under General Wilkinson's command, nor whether the retreat was disapproved of, by the officers generally, as he immediately left the main body. General Wilkinson was, several times, on the field during the attack; and the witness recollects having received orders from him, and having seen him come up to the rear of the line, when the voltigeurs made their charge. The orders then given, he could not hear, but presumed General Wilkinson directed all the operations of the day. The troops appeared to be very well disciplined, and kept their stations. Nine or ten were killed, and thirty or forty wounded, of the corps commanded by the witness; but he does not know the loss of the other corps, nor why a retreat was ordered. But at the time it occurred, he observed the enemy's fire slackened, and concluded from it,

they must have been short of ammunition. Our line was then distant from the enemy, between one hundred and one hundred and fifty yards, within fair musket shot.

In the early part of the affair, the advance, by order of the witness, had been drawn up, a few rods nearer the enemy's works, in part covered, but perhaps closer than they ought to have been; but, finding this position too much exposed, he caused the troops to retire, and form four or five rods in the rear. He also stated, that he does not know, that any of the troops, were uselessly employed, or unnecessarily exposed during the day.

Troops were not unnecessarily exposed, during the day.

Cross-examined by General Wilkinson as follows:

1*st Q.*—How long has La Cole Mill been built; and do you know, from whence the stone was taken, of which the house was built?

A.—It was built soon after the revolutionary war. I know not from whence the stone was taken.

2*d Q.*—Were not the doors, and windows, of La Cole Mill-house, stopped up, and the building converted into a fortification?

A.—I was informed, by deserters and prisoners, that the walls in the inside, were braced and filled by hewn timber, so as to double its strength, making it stronger, in fact, than if the entire had been stone.

3*d Q.*—Can the roof of a house be burnt by hot shot, when covered by a foot or eighteen inches of snow, and attended by many hands within?

A.—There was no snow on the roof.

4*th Q.*—Do you recollect, at what time of day, you left the ground on which the troops were formed, near the mill of La Cole?

A.—Near sun down.

Col. DECIUS WADSWORTH, commissary general of ordnance, being sworn and examined, as a witness for the prosecution, deposed:

Testimony of Colonel Decius

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Wadsworth.

That in the expedition of 1813, down the St. Lawrence, he was commissary of ordnance; that he recollects of no particular orders, being given him, relative to his department, by General Wilkinson; but orders, he presumes, had been, previously, given to Major Bumford, who had the charge of the arsenal at Albany.

The gun boats, at Sackett's Harbour, were equipped and prepared, under the direction of Major Brown, of the quarter-master general's department; but he does not know, by what time they were in readiness. He left Sackett's Harbour for Grenadier Island, two or three days after the army moved; but owing to a gale of wind, had to enter the St. Lawrence, and did not arrive at Grenadier Island, until a day or two afterwards. He believes, he sailed from Grenadier Island, on the 30th of October. A considerable detachment of troops, consisting of part, or the whole of Colonel Macomb's regiment, and others, embarked the same day; but owing to boisterous weather in the afternoon, did not proceed. This detachment stood out of the Harbour some hours before him; about 11 or 12 o'clock in the forenoon: the weather was then moderate and pleasant.

About three o'clock, the witness started in a sloop-rigged, slip-keeled boat; arrived at French Creek, about dark, and found there the regiment of light artillery, General Brown's detachment, and Colonel Bissell's regiment. The second day after his arrival, two British brigs, two schooners, and some gun boats, came down and cannonaded them. One of the schooners, however, had appeared near French Creek, the day preceding. An attack was expected; preparations had been made to receive them; and two eighteen pounders, with some field pieces, were landed for that purpose.

Armament attacked by a British flotilla.

He further stated, that he accompanied the flotilla, the night it passed Prescott, and the loss it sustained, was very trifling. The first boats moved, about 11, or 12 o'clock, *and it was, perhaps, an hour and a half, before the sentinels discovered them.* The distance from Prescott to

Accompanies the flotilla past Prescott. First boats

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the head of the Long Saut, he should judge, was about forty miles; but he could not speak with precision. The boats, he conceived, would have proceeded that distance, in a day, if there had been no debarkation. Almost the whole of the distance, to the foot of the Saut, the current is rapid.

moved about 11 or 12 o'clock, undiscovered by the sentinels, for an hour and a half.

The witness added, that if it was necessary, to debark the troops, before passing Prescott, then there was no unnecessary delay at that place; but this he does not undertake to decide; nor whether there was any unnecessary delay, between Prescott, and the Long Saut. But if the army had been put in motion, earlier the morning it started, from the White House, it might have proceeded to the foot of the Saut. He does not know the hour, the flotilla sailed from the White House, but it did not pass the rapid Plat, about five or six miles below it, until 1 o'clock. He is not acquainted with the reason of this delay. He has been down the Long Saut, repeatedly; there are two channels, formed by an island, called Barnhart's Island, six or seven miles in length, he imagines; the channel, on the Canada side, is impassable. From Barnhart's island, troops might have molested the flotilla in its passage; but it is hardly probable, they would have risked it, as they would all have been liable to capture: the water is rather rapid, though he should judge it practicable, to land on the island, in different places; but the convenient landing, is two miles below the Long Saut.

He further stated, that there is more than one island, in the Long Saut; he believes several—one above Barnhart's.

The witness was cross-examined, by General Wilkinson, as follows:

Saw no wanton waste of provisions, or stores.

1st Q.—Did you see any provisions, or stores wantonly wasted, or destroyed on the expedition?

A.—No Sir.

2d Q.—Do you know any thing of the hospital department, and the shipment of the stores, and medicines of

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the same? Or whether they were in charge of any particular person?

A.—Doctor Ross went in the boat with me, and there were some stores in that boat.

3d Q.—Do you know, whether General Wilkinson, was, or was not strongly opposed, to descending the St. Lawrence, and attacking Montreal, after his arrival at Sackett's Harbour, from Fort George?

General Wilkinson's wish to attack Kingston.

A.—I understood from him fully, that it was his opinion, that the army should move against Kingston.

4th Q.—Was not General Wilkinson, strongly in favour of the attack of Kingston?

A.—I recollect he expressed his opinion in favour of it.

5th Q.—Did you hear, or know of the enemy, being on post, at any point or points, on the left bank of the St. Lawrence, with design to annoy the descent of the flotilla?

A.—I heard some flying reports, of the enemy being at Cornwall, but nothing certain.

6th Q.—On the morning the flotilla left the White House, was not the enemy observed in our rear? Did not a skirmish ensue, and was not a man of Forsyth's corps killed?

A.—On the evening the army crossed, from the White House, it was well known in the camp, that a reinforcement had arrived at Prescott, and it was stated, had passed the Galloes, five or six miles below Prescott. I did not hear of any skirmish.

7th Q.—The enemy on our rear, being in boats, escorted by gun-boats, could they not have descended the St. Lawrence, as fast as our flotilla? and could not musketry, stationed on the bank, have greatly annoyed, and galled the troops, in our boats?

A.—After they had overtaken, they might have harassed us; but it would not have been practicable, for the boats to have retreated up the river. At several points on the river, musketry might have annoyed us.

8th Q.—How many boats can enter the Saut, at the same time, and descend it abreast?

A.—I never saw but one, enter it at a time, and do not know how many more could; three or four perhaps might, as the narrowest part of the Saut, is about two hundred yards wide.

9th Q.—Suppose our flotilla to have consisted of three hundred boats, how long would it have taken, the last boat to get into the Saut, after the first had entered it?

A.—I cannot answer.

10th Q.—Did you see any thing of the enemy's gun-boats? and from your observation, were they not an overmatch for our armed barges?

A.—They were much superior to ours, in their armament, if they were similar to the one we captured. I saw a twenty-four pound shot, which had been fired from one of them.

Enemy's gun-boats superior to the American, in armament.

11th Q.—Suppose the gun-boats, of the enemy hanging on our rear, had seized on the moment, when one half our flotilla had entered the Saut, and had pressed the other half, would not those boats have been sunk, or obliged to run on shore.

A.—The enemy would have produced, a great deal of confusion, unquestionably.

An attack upon our rear, entering the Saut, would have occasioned confusion.

12th Q.—Were not the narrows, at the White House, the best crossing for the cavalry, on the St. Lawrence, between that place and Barnhart's, and were not our cavalry crossed at that place?

A.—They were. And it was the narrowest part of the river.

13th Q.—Could the cavalry, have kept pace with the flotilla, from opposite the White House, to the Saut?

A.—I conceive they might, to the head of the Saut.

The court adjourned to Saturday, the 18th February, 1815, at 10 o'clock, A. M.

Troy, February 18th, 1815.

The court convened pursuant to adjournment.

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Major-general Wilkinson being prevented, by indisposition, from attending.

Court adjourns on account of General Wilkinson's indisposition.

The court adjourned to Monday, the 20th February, at 10 o'clock, A. M.

Troy, February 20th, 1815.

The court convened pursuant to adjournment.

Colonel Wadsworth again appearing, his cross-examination was resumed, as follows:

14*th Q.*—Did you observe, what articles of public property, were on board the boat, furnished for your accommodation?

A.—I never knew what they were, but understood them to be stores, belonging to the hospital department.

15*th Q.*—Where were you on the 11th November? Did you make any observation, on the affair of Chrystler's field?

A.—In the morning, when the enemy's gun-boats came up, I presumed it would be necessary, to land some artillery; there was only one practicable place of landing; the passage to which, was rather obstructed by boats of the flotilla, and mine among others. I therefore, crossed over to the American side, to get out of the way, and prevent confusion. Shortly after, I followed the boats, collected on this side, and entered the Saut. In our passage down, we first heard the firing.

Questions by the Judge Advocate.

1*st Q.*—Did you ever hear, of any boats having been lost in the Long Saut?

A.—I do not remember I ever did.

2*d Q.*—Is it considered a very dangerous passage?

A.—It is not comparable to the cedars. It appears somewhat dangerous, but I do not conceive it to be really so.

3*d Q.*—Is it navigable for large rafts, loaded with produce?

A.—Rafts descend it laden with wheat, flour, and other kind of produce.

Judge advocate requests leave to examine other witnesses, in the event of their arrival.

The judge advocate informed the court, that no other witnesses were in attendance, on the part of the prosecution; though some were shortly expected: he asked no delay, but, with the permission of the court, would avail himself of their testimony, in case they arrived.

The court, to prevent delay, acceded to this arrangement, and Major-general Wilkinson was called on, to proceed with his defence.

Major-general Alexander Macomb's answer to interrogatories.

The following examination, was taken by interrogatories, transmitted to Major-general Macomb, at Plattsburgh, and returned on the 11th of March, 1815, after the testimony was closed; which, being duly verified, was received by consent of parties.

Interrogatories, on the part of the prosecution.

1*st Q.*—In the summer and autumn of 1813, was you attached, to the army of the United States? What was your rank, station, and command?

A.—I was stationed at Sackett's Harbour, in the summer and autumn of 1813, and commanded that post, until the arrival of Major-general Lewis. I was Colonel of the 3d regiment of artillery, and commanded that corps.

2*d Q.*—Did you accompany the expedition, under the command of Major-general James Wilkinson, from Sackett's Harbour to French Mills?

A.—I did.

3*d Q.*—Do you recollect at what time, and under what circumstances, the troops from Fort George, arrived at Henderson's Bay, or Sackett's Harbour?

A.—I do recollect their arrival at Henderson's Bay; but the date I cannot, precisely, state; it was early in October, 1813.

4*th Q.*—What was the state of the wind and weather, from the 20th of September, to the 9th of October, 1813? Was it favourable for an expedition on the lake?

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Weather generally unfavourable, from the 20th Sept. to the 9th October.

A.—The wind and weather, were various; but generally unfavourable, to the progress of the descending troops; the officers complained of the distresses, of the expedition, from Fort George to Henderson harbour.

5th Q.—On General Wilkinson's arrival at Sackett's Harbour, on the 4th of October, was Major-general Lewis's division, prepared to embark, and under orders for that purpose? Were any of the troops, artillery, provisions, or stores, actually embarked, and again disembarked, by order of General Wilkinson?

A.—The troops were prepared, at Sackett's Harbour, to go on an expedition; none were embarked, of those under my command, nor were the boats assigned them: a great many boats, however, were collected at the Harbour, and a few pieces of ordnance, I think, were put in the scows.

6th Q.—What was the state of the weather, at the time last stated, and for some succeeding days?

The weather at Sackett's Harbour, 4th Oct. and succeeding days.

A.—The weather was very bad and stormy, frequently raining, and continually blowing excessively.

7th Q.—With the preparations made, could you at this time, have moved the troops, to Grenadier Island, with facility and safety?

A.—The navigation was exceedingly difficult; yet a skilful pilot might have done it, notwithstanding the weather, with proper preparations; but, whether such were made, I cannot say.

8th Q.—Was not the loss in transports, and provisions, in the passage from Sackett's Harbour, to Grenadier Island, occasioned by the delay, consequent on General Wilkinson's countermanding the order for embarkation?

Loss of provisions and transports, not imputable to delay.

A.—I do not know, that the General countermanded the order for embarkation; if he did, I do not believe the loss was occasioned, by the delay occasioned thereby.

9th Q.—Was there any necessity, or utility in the new arrangements, made by General Wilkinson, on his arrival?

A.—I cannot answer the question, as they did not

come to my knowledge, nor I do not recollect any such arrangements.

10th Q.—Was there any unnecessary delay, in the movement of the troops, from Grenadier Island? If so, state the circumstances, and particulars thereof?

A.—To this question, I can only answer, as far as it concerns my own corps: we were delayed, by some misunderstanding in shifting the boats; we were first ordered to the gun boats, which were assigned by the quarter-master-general; then ordered out of them, by General Wilkinson; this detained us twenty-four hours.

11th Q.—Were the corps of artillery embarked, and again disembarked at Grenadier Island, and was there sufficient cause for the same?

A.—This question is answered in the foregoing answer. The General expected Colonel Randolph's corps, of about 250 or 300 men, which would want transports; and I afterwards understood, this was the cause of the derangement, and consequent delay. Colonel Randolph's corps was transferred, to Grenadier Island, by the navy.

12th Q.—Was there any unnecessary delay, at French Creek, or below Morrisville, prior to passing Prescott? If so, state the grounds, upon which you form such judgment?

A.—I cannot say.

13th Q.—Did you see any provisions, or hospital stores, left on shore, by officers commanding in boats? Or do you know, of any wantonly wasted, pilfered, or destroyed, during the said expedition?

A.—It was reported to me, that several boats, with hospital, and other stores, were cast away in the storm; but I heard nothing of their being pilfered, although it might have been a necessary consequence, as some boats were loaded, exclusively with beef; others with bread; others with hospital stores: *the wrecked crews no doubt helped themselves.*

14th Q.—Did Major-general Wilkinson, in any, and at what times, during the said expeditions, countenance

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the waste of public property, by declaring that officers commanding in boats, need have no charge, or care thereof? Or what language, in particular, did he use?

Never heard General Wilkinson use any expressions countenancing waste of the public property.

A.—I never heard, that any such expressions fell from the General.

15*th Q.*—Did you see Major-general Wilkinson, immediately previous to passing Prescott, or during such passage; or on the night of the 6th November, 1813? Did you, afterwards, see him, on the morning of the 7th, and where? At either of the above times, was he intoxicated, and to what degree?

Saw General Wilkinson, late in the afternoon of the 6th—he was perfectly sober.

A.—I did see General Wilkinson, late in the afternoon. I lead the column by land, and passed through Ogdensburgh, to the Red Mill, a distance of fourteen miles, when we halted. The General was perfectly sober, when I saw him. I did not see him, on the morning of the 7th of November.

16*th Q.*—What were the particulars, of General Wilkinson's conduct, relating to this point, which came under your observation, at the times last mentioned? State them fully and minutely.

A.—I did not see, any thing in the General's conduct, improper.

17*th Q.*—Was you detached, on the 7th or 8th of November, to the Canada shore? With what corps; and what was the object?

A.—In the morning of the 7th, I received orders to cross to the Canada shore, for the purpose of driving the enemy, from the prominent points of the river, and particularly at Fort Matilda. I had with me about twelve hundred men, consisting of the 3d regiment of artillery, Colonel Randolph's corps, the riflemen, and New York volunteers.

18*th Q.*—Had attempts been previously made, to reconnoitre the positions of the enemy, or to ascertain the true state of the defence, on the Canada shore?

A.—Colonel Swift of the engineers, had been down the river, and he was particularly sent to me, to inform me of the contour of the Canadian shore, and the proper

places to land at; from this, I presume, it was reconnoitred.

19th Q.—Did you find the enemy in force, at any, and what points in your march? Did you dislodge them, from any fortified positions; or capture any artillery? Please to state the result of your enterprise, and the circumstances attending the same?

A.—I proceeded, at 4 o'clock in the afternoon, of the 7th November, 1813, on the expedition; the boats of the riflemen, volunteers, and 20th regiment, did not float as fast, as those of the artillery; and we had to halt at about 8 miles from the mill, for the rear. Here we discovered some men, hovering about the skirts of the woods, on the Canada side, and a man on our shore, calling out, and waving his hat, which induced us to near our side, to wait the arrival of the riflemen, and 20th regiment, and volunteers. And I supposed the person calling, was an officer, sent by General Wilkinson. As we moved towards our shore, the militia, Indians, and other troops came to the opposite bank, and began firing, whooping and hallooing. The other boats having arrived, I directed Colonel Scott, to lead the right column, Colonel Randolph the left, and the riflemen and volunteers, to land further up the river, to prevent the escape of the enemy; about dark, the several columns reached the shore, under the fire of the enemy, and immediately formed and marched forward. The enemy, precipitately, retired into the woods; one officer, of the regular forces, was taken before he could mount his horse. This officer informed me, that their force consisted, of about 200 militia and Indians, and 100 regulars. Owing to my boats getting into a rapid, I fell down the river, and landed at the head of the column, and proceeded to Point Matilda, where the river is about 500 yards wide; here we expected the enemy would make a stand: but they ran off, leaving 8 or 10 muskets in their barracks. The battery was not quite completed; but the position was surrounded, by narrow trenches, for the militia to stand in,

Small detachment of the enemy observed, on the Canada shore.

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and fire at our boats, as they descended, which would have caused, great loss and confusion; particularly, as the battery is at the head of the rapids.

20*th Q.*—Was this detachment necessary, in any respect? *Or was the object of your designation,* at all equivalent to the delay produced by the same?

A.—There was every indication, of a large force, and it was in my opinion, proper, and necessary, to detach the corps on this service; and I do not think, it occasioned any delay, in the prosecution of the expedition.

21*st Q.*—Do you know, or can you state, any other matter, or thing material, or important, to the prosecution, as connected with the said expedition? If so, relate the same as fully, and as circumstantially, as if thereto, particularly interrogated.

A.—No.

Affair of La Cole Mill.

22*d Q.*—Did you in March, 1814, (and on what days particularly) accompany Major-general Wilkinson, in the expedition against La Cole Mill, in the province of Lower Canada?

A.—I accompanied General Wilkinson, in the expedition against La Cole Mill, on the 30th and 31st March, 1814.

23*d Q.*—What command did you then hold? And what was the effective American force, employed?

A.—I was appointed to the reserve, consisting of about 800 men; the whole effective force, was about three thousand.

24*th Q.*—What was the distance of La Cole Mill from Plattsburgh; the state of the weather, and roads, and the difficulties in making your approach to that post?

A.—I did not march, on the Plattsburgh road, having been on an expedition, on the east side of the lake, into Lower Canada. I crossed the ice from Swanton, and joined the army, at the village of Champlain. The distance from Plattsburgh to La Cole, is about 30 miles. The weather was clear and pleasant; the roads from

Champlain to La Cole, were very bad for artillery, but good for footmen. Our greatest difficulties, was the blunders of our guide, who led the van past the mill road, and brought us into a skirmish, with the enemy, by which part of the day was lost; we returned, but again missed the entrance into the wood, which occasioned great difficulty, in getting the artillery through the bank of snow. The road leading to the mill, was about three miles in length, from the main road, too narrow for the axles of the artillery, the woods were impracticable for horse or foot.

25*th* Q.—What pieces of artillery accompanied the army, and of what calibre?

A.—I do not know the number of pieces of artillery; I saw a great sufficiency; there were five and a half inch howitzers, twelve pounders, and I saw one eighteen pounder, which broke down in the road.

26*th* Q.—Had you any, and what number, of draft horses, or oxen, in the expedition?

A.—I cannot tell; I saw both.

27*th* Q.—What was the size of La Cole Mill, according to your observation? The state of its defences, and its capability to resist an attack? Was there any fortified post, or block houses, immediately adjacent?

A.—The woods were so thick, that I could scarcely see it, it stood obliquely to me. It appeared however to be 70 or 80 feet long, one story under ground, and two above. My command being the reserve, I could not see much of the place. I saw no defences, the trees and shrubs interfered.

28*th* Q.—What was the number of the enemy collected at that post? And what comparison did they bear, to the army commanded by General Wilkinson, considered as an effective force?

A.—I do not know; it was reported that 600 men were in the mill, and about 1500 or 2000 within striking distance.

29*th* Q.—Were our heaviest pieces of artillery, brought into battery, against the mill? *And* why was it not done?

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A.—No, because they could not be gotten up in time.

30*th Q.*—Was it not practicable, with the artillery, which accompanied the expedition, to have effected a breach, and dislodged the enemy? If so, why was it not carried into effect?

A.—There was enough to have reduced it, beyond a doubt, could it have been brought up in time.

31*st Q.*—Was there a twelve pounder brought to bear against the enemy's work; and was it not fired without effect, in consequence of its oblique position causing the balls to glance?

A.—There was a twelve pounder; but I cannot say, what effect it had, as I had not a fair opportunity of seeing.

32*d Q.*—Were red-hot shot employed, to set fire to the roof of the mill, and with what effect? If none were used, why was not the experiment tried?

A.—I did not see any preparations for hot shot; and I believe none were employed. I cannot say, why it was not attempted.

33*d Q.*—Was it practicable, to have stormed the mill, at the moment the enemy made their sortie? And would the circumstances have justified the measure?

A.—I do not think it would have been prudent, to have stormed the mill.

34*th Q.*—Was an attempt made to storm the said post; or its surrender demanded? If not, why was it not done?

No demand of surrender, or attempt to storm, made, as no favourable result could have been expected.

A.—No; because the enemy did not leave any room, for such an idea or attempt; they disputed every inch of ground.

35*th Q.*—Was the army, or any part of it, uselessly, and wantonly exposed, to the enemy's fire?

A.—I think the artillery was unnecessarily exposed, because a few trees cut down, or a breast work of fascines or logs, would have saved the men at the pieces, from the musketry of the mill.

36*th Q.*—Was the army, or any part of it, for any, and what time, inactive before the said post? What was

the cause of such inactivity; and was the same proper, or justifiable?

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A.—The army took post agreeable to order, and acted with the greatest regularity: *I do not think, there was any mismanagement, except in the artillery; the position of the troops was excellent, and would have prevented, the escape of the garrison of the mill, if they had made the attempt.*

Precaution to prevent the escape of the garrison.

37*th Q.*—At what time, and under what circumstances, did our army retire from the said mill? Was their retreat precipitate, and disgraceful?

A.—The army retired at dusk of the evening of the 30th, *in the greatest order, leaving not a man, or article on the ground,* and was encamped that night, in the village of Odletown, three miles from the mill. My corps covered the movement, *and gave me a fair opportunity of seeing all the other corps move off.*

38*th Q.*—Was not the mortification general, among the officers, on account of the unsuccessful attempt upon La Cole mill?

A.—I did not see that.

39*th Q.*—Were not you, and other officers, generally, opposed to a retreat? And why was the measure adopted?

A.—I was not opposed to a retreat, because I thought the attempt useless in the beginning; the measure was adopted, because the snow and ice were thawing uncommonly fast, the road becoming impracticable, and every appearance of a violent rain.

40*th Q.*—Were not our troops well disciplined? What did they effect by the expedition? and what loss did they sustain.

A.—The troops were in a tolerable state of discipline; they effected all they were commanded to do; they lost, I understood, about one hundred and four or fourteen, killed and wounded.

41*st Q.*—Do you know, or can you state, any other matter or thing, material to the prosecution, and relating

CHAP. V. to the last mentioned expedition? if so, relate the same fully and particularly?

A.—No.

Cross-examination on the part of Major-general Wilkinson.

1*st Q.*—Was the relative situation, of the squadrons, on the lake, known at Sackett's Harbour, before General Wilkinson arrived there, on the 4th October, from Fort George?

A.—No, they were not.

2*d Q.*—Can you state, at what time, Commodore Chauncey came into Sackett's Harbour, in the month of October?

A.—I cannot precisely, but I believe, it was about the 5th or 6th of the month.

3*d Q.*—Would it, in your judgment, have been safe or prudent, for the troops at Sackett's Harbour, to have moved for Grenadier Island, before the relative situation of the squadrons was ascertained?

A.—No, it would not.

4*th Q.*—What was the state of the weather and winds, between the time of Commodore Chauncey's coming into the Harbour, and the 16th of October?

A.—Very high, and squally.

5*th Q.*—Would the objects of the expedition have been promoted, by the troops at Sackett's Harbour, moving to Grenadier Island, before those from Fort George, were ready to accompany them?

A.—No.

6*th Q.*—Were any troops embarked, and again debarked, at Sackett's Harbour, on the 4th of October, and was it possible for such troops, to have moved to Grenadier Island, in the afternoon of that day, in open boats and batteaux?

A.—I do not recollect.

7*th Q.*—Will you state, when, and in what situation,

the troops from Sackett's Harbour, arrived at Grenadier Island? Whether any of the transports, were lost in the passage? And whether any time was required, to repair the transports?

A.—Except the brigade of General Brown, the whole of the troops, were either wrecked, or driven on shore; the storms were incessant and dreadful; the consequence was, that they came to Grenadier Island, one after the other several days, from about the 20th of October, to the 25th. Several boats were totally destroyed, and some were repaired, without which we could not proceed.

8*th Q.*—Was there not a great defect of transport, and were not provisions, tools, implements, and public stores of various kinds, crowded into the boats of all descriptions, without regulation, or order?

A.—The boats were much crowded with provisions, stores, &c.; there was a sufficient transport, but it was hastily distributed, and badly arranged.

9*th Q.*—When did the rear of the army, arrive at French Creek; and how long did the army remain there, after its arrival, and what were the engagements of the officers and men, during their stay there?

A.—The rear of the army, arrived about the 3d of November, at French Creek; and the army remained two days, making arrangements to move down the river, in order of battle. Flags distinguishing corps, were distributed.

10*th Q.*—Will you state, whether the provisions were issued, to the troops of your regiment, by the contractor's agent, or by the regimental quarter-master? And whether any account was rendered, of the provisions consumed by your men, on their passage?

A.—The provisions were issued, by the regimental quarter-master, and not by the contractor; a particular account was kept of the provisions, but none rendered to my knowledge.

11*th Q.*—Was the expedition delayed, by your being detached on the 7th November? and if so, will you state how long it was delayed?

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A.—It was not delayed, as I have already stated, deeming it a prudent and necessary precaution.

Detachment, a prudent and necessary precaution.

12*th Q.*—What was the situation of the post, which you was detached to dislodge the enemy from, did it command the passage down the river, and was it so situated, that our boats might have been annoyed, by an enemy stationed there?

A.—This question I have already answered, in the affirmative.

13*th Q.*—What number of the enemy were posted, at Matilda, and were they dislodged by your movement? And what were the circumstances attending that affair?

A.—I have related the circumstances of that movement; the garrison retreated; the militia and Indians, I have stated at 200, and the regulars, 100.

14*th Q.*—Previous to your being detached, was it known that the militia, of Upper Canada, were in arms? And what were the reasons, which induced the commanding general to detach you?

Instructions from General Wilkinson.

A.—It was reported, that the militia were in arms, and General Wilkinson gave me particular instructions, to act with caution, that if the enemy were too strong, to report to him without delay, and hazard nothing to a superior force.

15*th Q.*—Do you conceive, that your being detached, on the 7th of November, was an unnecessary measure?

A.—I do not, as I have already stated.

16*th Q.*—Previous to General Wilkinson's arrival, at Sackett's Harbour, on the 4th October, were not some of the corps, and regiments of the army, in a broken state, and detached between that place and Fort George?

A.—Yes, there were some regiments, in detached parties.

17*th Q.*—Was it not necessary to consolidate these corps, and arrange them into brigades, before the expedition sailed? And was this done by General Wilkinson, after his arrival at Sackett's Harbour?

A.—It was necessary: and it was done by General Wilkinson, after his arrival.

18*th* *Q.*—At what time, did the army arrive, at the point of halt, above Prescott, on the 5th of November? Was there any confusion among the boats, and was not the order, in which the flotilla was directed to move, broken, and were not the troops much fatigued?

A.—The order of march, was broken, and the corps somewhat confused; a short halt was necessary, to refresh the troops, and organize them.

Not time to pass Prescott, in safety, on the night of the 5th.

19*th* *Q.*—Under the circumstances, in which the army arrived, at the point of halt, below Morrisville, was there time for the necessary arrangements, to pass the post of Prescott, during the night of the 5th in safety?

A.—No.

20*th* *Q.*—Did you see, any armed men of the enemy, on the Canada shore, on the 7th of November, previous to your being detached, or afterwards? And were any pieces of field artillery, observed on shore that day? Was it reported and understood, that the coast below, at the narrow passes, were lined with musketry and artillery? And were the observations made of the enemy, and the information received, of their being so posted, the reason of your being detached?

A.—I did see officers and troops near Prescott, and signs of camps, near the woods in rear of Prescott. I did not see any piece of artillery, but heard them fire on General Wilkinson's boat, descending to Matilda. It was reported, that the militia of Upper Canada, were out, and would dispute the narrow passes with us: this was the reason, of my being detached with the elite corps; pieces of artillery, were also reported to be on the way, to defend the passes, all which proved to be the fact.

21*st* *Q.*—Could the troops on shore, move down as fast, as the boats floated with the current? And what difference would there be, in the progress of the troops on shore, and the boats?

A.—The troops on shore, could not move as rapidly as the boats. I think the boats, could go twice as fast as the troops.

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22*d Q.*—How long after the passage of Prescott, before you were detached, and when, and where, did the flotilla come up with you?

A.—I was detached the next morning, after the passage of Prescott, and the flotilla joined us the next day, at Matilda, in good season.

23*d Q.*—Will you be pleased to say, whether there was any unnecessary delay, in the movement of the army, on the 7th of November?

A.—I think there was not.

24*th Q.*—At what time, did the army move, on the 8th, and when did they arrive at the White House?

A.—I cannot tell at what time, the army moved, as I was detached, but it arrived, about 12 o'clock, at noon on the 8th.

25*th Q.*—Were the dragoons crossed over at the White House, and how long did that operation take? And say whether in your judgment, there was any unnecessary delay there?

A.—The dragoons were crossed at the White House, in a very short time: how long exactly, I cannot pretend to say. I do not think, the delay was unnecessary.

No unnecessary delay at the White House.

26*th Q.*—Did you accompany General Brown with the troops on shore, on the 9th? Did the enemy shew themselves, in the course of that day, in our rear, and was not a man killed in the morning? Will you say, whether there was any unnecessary delay, in the movement of the expedition that day?

A.—I did accompany General Brown, on the 9th, the enemy shewed himself in the course of the day, in our rear, and fired on our pickets, and killed one man of the rifle corps. I did not think it worth while, to stop the army, on account of the Indians shewing themselves in our rear.

27*th Q.*—Did you accompany General Brown, on the 10th? Did you find the enemy posted in, or near a block house? What was their strength? And was not the said house, situated on the bank of the river?

A.—I did accompany General Brown, on the 10th, the

militia had collected in force, in our front, amounting to 1500 men, and some Indians, under Lieutenant-colonel Dennis, of the regular army, near Hoop-pole Creek, where they had a block house, on the bank of the river.

28*th Q.*—Did you know for what reasons, General Brown was detached in front, on the 10th? And was that detachment in your judgment, a prudent measure of precaution, to prevent the flotilla being attacked by the enemy, posted on the Long Saut, as it descended that rapid?

A.—I did not know the cause of the movement. I did not see the Long Saut, and therefore can say nothing, concerning that movement.

29*th Q.*—Did General Wilkinson, during the campaign, of 1813, shew any want of zeal, or activity in the public service, or of regard to the public property, which his ill health permitted?

A.—No.

30*th Q.*—Did you see any wanton waste, or destruction of provisions and stores, by the officers and troops, during the expedition down the St. Lawrence?

A.—None, except one barrel of beef, and some few biscuit.

31*st Q.*—Did you hear General Wilkinson, or see him by word or deed, encourage such profligacy, or do you believe him capable of it?

A.—No, on the contrary, he has always evinced the greatest regard, for the public interest.

32*d Q.*—Were your orders, of the 7th of November, to scour the Canadian shore, and drive the enemy from Matilda, written, or verbal? And if the former, will you annex a copy to your deposition?

A.—*They were written, and very explicit, but I cannot now find them.*

33*d Q.*—Was not the road from Champlain, to Smith's, (at which place, the path to La Cole Mill, parts from the main road to Montreal, at right angles) very bad, on the day of the movement of General Wilkinson into Canada, and what is the distance?

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A.—The roads were very bad for artillery. The distance between six and seven miles.

34*th Q.*—Did not an eighteen pounder, prepared for that particular service, break down once, or more than once, in moving that distance?

A.—It did break down.

35*th Q.*—What is the distance, and what the state of the road, from Smith's to the mill?

A.—The road to the mill, from Smith's, is narrow and crooked, the distance about three miles.

36*th Q.*—Was there not, at the time the troops, retired, an eighteen pounder, at least half a mile from the battery, planted against La Cole Mill, notwithstanding several hours labour to get it forward?

A.—I do not recollect.

37*th Q.*—Were not the enemy's pickets, and advance parties, so posted, as to prevent the reconnoitring of the road, from Odletown to the mill, or of any of the other roads leading to the same post? or of the mill itself? or of the neighbouring defences, or of the locality of its vicinity?

A.—I am of opinion, that the road might have been reconnoitred, notwithstanding the enemy was so posted, had a sufficient party been sent to drive his troops in.

38*th Q.*—Did not a great proportion, of the loss of that day, excepting the men who fell at the guns, occur during the contests with the pickets and advance parties, of the enemy?

A.—Yes.

39*th Q.*—Was there any position, to which the guns might have been moved, which would have been equally advantageous, with that they occupied?

A.—I cannot answer the question, as I had not an opportunity of re connoitring the ground.

40*th Q.*—What was the extent of cleared land about the mill.

A.—I cannot say; it was grown up with brambles and small brush.

41*st Q.*—What was the distance from the guns to the

mill? And was it not impossible, to increase that distance, without losing sight of the object?

A.—The land fell from the situation of the guns, so as to make it difficult to gain a position, except, on the ridge on which the guns stood. I do not think the guns, were over 140 yards from the mill.

42*d Q.*—How deep was the snow? How many hours would have been necessary, to erect furnaces and heat shot, proper for burning the roof of the mill? And could the troops within have unroofed the mill, if necessary?

A.—The snow was about knee deep. Shot might have been heated, in my opinion, in fifty minutes, with the materials at hand. I do not think, the troops within the mill, would have dared to have shewn their heads, above the walls of the mill, when so large a force surrounded them, and so near.

43*d Q.*—Did not your own brigade, which had been kept in the rear, cover the retreat of the troops, stationed before the mill, retrogading by alternate battalions? And were you insulted by the enemy, or was any thing left on the ground?

A.—My brigade covered the troops, in retiring; the movement was well executed; nothing was left on the ground; and the enemy did not follow, or even fire a shot.

44*th Q.*—What was your idea, of the withdrawal of the troops, from before the post of the enemy, on the 30th of March, 1814; was it hasty or disgraceful? Did it deeply wound the feelings of the officers, destroy the martial spirits of the troops, or expose the army to mortification or disgrace?

Account of the retreat, and its effects on the army.

A.—I thought the move was judicious; it was neither hasty nor disgraceful. The army was very cheerful, and did no way feel themselves disgraced.

45*th Q.*—Did it not rain, violently, on the night of the 30th of March? Were not a great portion of the troops, exposed to the elements? And was not the road from Odletown to La Cole Mill, impassable to artillery, the following day.

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A.—It did rain very hard on the 30th, at night, and also the 31st; the roads were almost impassable, particularly so for artillery.

46*th Q.*—Was there more than one aperture, by which La Cole Mill could have been entered, and would it have been practicable, to have carried it by storm, without a greater loss of men, than the capture of the place was worth?

A.—I could not see the mill, well enough to determine, and as I before stated, I do not think it would have been wise to have stormed it.

47*th Q.*—Did you see General Wilkinson near La Cole Mill, and did he appear shy of the enemy's fire?

Saw General Wilkinson in the hottest fire.

A.—I saw General Wilkinson in the hottest of the fire, particularly near the guns of the artillery, and he evinced an utter disregard of danger.

48*th Q.*—If hot shot had been fired into the roof of La Cole Mill, and the enemy discovered inconvenience, or danger therefrom, could they not have knocked off the shingles in a few minutes, and continued the defence of the building?

A.—I do not think, they would have made such an attempt, nor do I believe under our fire, it was practicable.

49*th Q.*—From the disposition, manifested by the enemy that day, in engaging our advance parties, and from their proximity to their chief force, is it probable, they would have received a flag? And is it not absurd to suppose, they would, strongly posted as they were, have surrendered before they were attacked?

Disposition of the enemy, negatives the idea, of their receiving a flag of truce.

A.—I do not believe, they would have obeyed a summons to surrender; they evinced a different disposition, by the determination, with which they disputed the several passes.

50*th Q.*—Was it not, with the approbation of a council of war, consisting of general officers, and officers commanding regiments, and the heads of the staff, that the division under the command of General Wilkinson, entered Canada on the 30th of March?

Council of war.

A.—There was a council, summoned at head quarters, on the 29th. The council gave their opinion, that the position of La Cole Mill, should be reconnoitred, by an officer of engineers, supported by the light troops; and if found practicable, that then the whole army, should move forward to support the attack. It was understood that the artillery, was to be properly secured, and covered from the muskets of the enemy.

51*st Q.*—Did not the officer, who led the advance, mislead the columns, two miles from the path to La Cole Mill? Did they not pretend to a knowledge of the route, and did not this mistake, produce all the unnecessary delay, in the movements of that day?

A.—Yes.

Delay imputable to the mistake of the officer leading the advance.

52*d Q.*—How long have you served with General Wilkinson? In what capacity? And what is your opinion of him, as a man of honour, a gentleman, and a soldier?

A.—I have served with General Wilkinson, since the disbandment of the army, under General Hamilton, in various capacities, as aid-de-camp, secretary, Lieutenant, Captain, Major, Lieutenant-colonel, Colonel, and Brigadier. *I have always found him, desirous of improving the army, a man of honour, a gentleman and a soldier; always willing to do, what he expected from others, as far as it respected personal exposure, personal honour, and individual rights.*

Opinion of General Wilkinson.

53*d Q.*—Did you see General Wilkinson intoxicated, during the campaign of 1813?

A.—I did not.

54*th Q.*—As far as your observation extends, have you not seen General Wilkinson, attentive to the sound principles of subordination, and discipline? strictly regardful of the police, appearance, habits, manners, health and comfort of the troops; and an enemy to drunkenness and debauchery?

A.—I have observed in General Wilkinson, at all times, a great anxiety to promote the discipline, police, habits, manners, and other essentials to the military cha-

General Wilkinson's attention to morals,

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and his abhorrence of drunkenness, and debauchery.

racter; to correct all petty offences, and an abhorrence of drunkenness and debauchery.

55th Q.—Did you see General Wilkinson under the fire of the enemy, on the 30th of March, 1814; and did he appear cool, self possessed, and attentive to the passing scenes? State particulars, if you please?

General Wilkinson's conduct in the field.

A.—Yes; I saw the General more exposed, than I thought it was prudent; and if I have to blame him for any part of his conduct, it is in exposing himself too much before the enemy, and particularly at the affair of La Cole Mill; he there appeared above every personal consideration; only watchful to see a happy effect produced, by the troops under his command, and the artillery in particular.

ALEX. MACOMB.

"The above answers to the foregoing interrogatories, and cross-interrogatories, sworn and subscribed to this 7th day of March, 1815, before me,

"WILLIAM SWEETLAND,

"*Justice of the Peace & Master in Chancery.*"

DOCUMENTS,

Selected from the Official Report of the Secretary of War, to Congress, dated, War Department, Jan. 25th, 1814, admitted by consent, as prima facie evidence, and relied on in support of the prosecution.

No. I.

Project submitted to the President, by the Secretary of War, on the 23d July, and communicated to General Wilkinson, on the 5th August, 1813.

THE time at which we have reason to expect, an ascendency on Lake Ontario, has arrived. If our hopes on that head be fulfilled, though but for a short period,

we must avail ourselves of the circumstance, to give to the campaign, a new and increased activity.

For this purpose, our forces on the Ontario should be concentrated, because neither section of them, as they are now divided, is competent to any great object.

The point of concentration is more doubtful:—

1st.—If at Fort George, our utmost success, can but give us the command of the peninsula, which, if General Harrison succeeds against Malden, will be of diminished interest, both to us and the enemy: to us, because Malden will more completely cover our western frontier, and controul the savages, than Fort George and Erie: to the enemy, because Malden lost, our inroad upon the peninsula,* will but have the effect of shortening, not of dividing, the enemy's line of operations; in a word, success at this point, will not give to the campaign, a character of decisive advantage.

2d.—If, on the other hand, we make Sackett's Harbour the point of concentration, Kingston may become the object of our attack, which by the way, will but be returning to the original plan of campaign, prescribed to General Dearborn.

This place is of much importance to the enemy, and will, no doubt, be defended by him with great obstinacy, and with all the resources, which can be safely drawn from other points. That it may be taken, by a joint application, of our naval and military means, is not however to be questioned.

The enclosed diagram,† will show the number, and

* And yet the occupancy of York, would have effectually severed, the whole peninsula from Kingston, and Fort George, Erie and Malden must have fallen.

† This diagram, for reasons best known to himself, was *withheld* from me, by the secretary of war, although I asked it of him; but it is a fact, that when I reached Sackett's Harbour, in August, I could obtain no clear and satisfactory information, of the works or defences of the enemy at Kingston; but having determined on a favourite project, a minister, in his cabinet, at a thousand miles distance, finds no difficulty in adapting the circumstances to his plans, and imposing on those who see only with his eyes: "I think," said the minister to Eugene, "you

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character of the enemy's defences. His batteries on No. 1, cannot be sustained, but by his fleet. These carried, he is open to a descent at Nos. 2, and 3. If he divides his force between both, we oppose one half of his strength with the whole of ours. If he concentrates at No. 2, we seize No. 3, and command both the town and the shipping. If he concentrates at No 3, we occupy No. 2, and with nearly the same results.

Cotemporary with this movement, another may be made on the side of Lake Champlain, indicating an intention of attacking Montreal and its dependencies, and really attacking them, if, to save Kingston, these posts have been materially weakened.

3d.—Another and different operation, to which our means are competent,* would be a movement from Sackett's Harbour, to Madrid on the St. Lawrence. At this place, the river may be most easily crossed. The ground opposite to it, is a narrow bluff,† skirted by the river on one side, and a swamp of great extent, and difficult passage on the other. This gained and fortified, our fleet continuing to command the water line, from the head of the river to Ogdensburgh, and Lake St. Francis occupied with a few gun boats and barges, the army may march against Montreal, in concert with General Hampton. The only natural difficulty to the execution of this plan, would be presented by a branch of the Grand river, which must be crossed; but at this season, though deep, it is believed to be fordable.‡

Under the preceding supposition, it is respectfully submitted, whether it will be most advisable, to make Sackett's Harbour the point of concentration, and leave to the commanding general an election§ (to be determined by

might have crossed the river at this point," tracing the route, on a map, with his finger. "Yes, my Lord, if your finger had been a bridge."

* Yet at this moment, nay, on the 23d of August, there was neither transport, nor other means, nor preparations to provide them, and the enemy had the superiority on the lake.

† This position exists only in Secretary Armstrong's brain.

‡ This is another misrepresentation, as that river is not "fordable."

§ Here Secretary Armstrong, exhibits a masterly stroke of in-

circumstances.) between the two plans suggested under the second and third heads.

JOHN ARMSTRONG.

Approved and adopted, 23d July, 1813.

No. II.

War Department, August 8, 1813.

Sir,

I have given to your observations, of the 6th instant, all the consideration *they so justly merit.*

The main objection to any plan, which shall carry our operations wide of Kingston and westward of it, is, that in the event of its success, it leaves the strength,* of the enemy unbroken; it but wounds the tail† of the lion, and, of course, is not calculated to hasten the termination of the war, either by increasing our own vigour, or by diminishing that of the enemy. Kingston is the great depot of his resources; and so long as he retains this, and keeps open his communication with the sea, he will not want the means, of multiplying his naval and other de-

genuity. If the commanding general should fail, in either of the two points of attack, to which he was *restrained,* there would be plausible ground for the condemnation of his skill or conduct. If the failure had taken place at Kingston, it would have been urged, that he ought to have attacked Montreal; and if the General had preferred Montreal for his attack, and failed, then he could be condemned for not having taken Kingston; or of he succeeded at either point, the secretary stood ready to claim the credit; but if the General had disapproved, of both these propositions of the minister, and had made no movement, he might have been censured for inaction.—A movement was necessary, to cover the improvidence of the minister, and the defects of the war department, and he was present to enforce it.

* Yet, the chief force of the enemy's regular troops, and their Indians, and best militia, were west of Kingston; *but, to have taken and destroyed these,* would not have *diminished their vigour,* nor *increased our own,* risum teneatis!

† If the head be the front, and the tail the rear, surely the advanced division of the British forces, in Upper Canada, could not be justly considered the *tail,* of their line of defence; but, it was a pretty metaphor;—and was well adapted to the military capacity, of Mr. Madison and his cabinet.

CHAP. V.

fences, and of reinforcing or renewing the war in the west.

Kingston, therefore, as well on grounds of policy, as of military principle, *presents the first, and great object of the campaign.*

There are two ways of approaching this; by *direct* or *indirect* attack; by *breaking** down the *enemy's battalions*, and *forcing his works:* or by *seizing* and *obstructing* the line of his *communication*, and thus *drying* up the *sources*, by which he is *nourished* and *maintained.*

Circumstances must govern in choosing between these different modes. *Were* our *assembled land and naval forces competent to the object*, a *direct* attack would no doubt, be *the shorter*, and *better way;* but if, on the contrary, our *strength be inferior*,† or *hardly equal* to that of *the enemy*, the *indirect attack* must be *preferred.* These considerations, have suggested *the third plan*, to be found in my note of *the 23d ultimo.* To give execution to this, I would collect my force at the head of the St. Lawrence, make every demonstration of attacking Kingston, proceed rapidly down the river, seize the northern bank at the village of Hamilton, leave a corps‡ to fortify and hold it, march upon Montreal with the main body, effect there a junction with Hampton,§ and take a position, which

* This is pleasant work, to a minister in his closet, and quite easy of execution, on paper; where we find neither ditches, nor ramparts, nor parapets, nor artillery, nor small arms.

† How fallacious was this reasoning! if our combined *naval* and *land* forces, were not equal to the attack of Kingston, garrisoned by a detached division of the enemy, by what military reasoning can we be justified, after dividing our force, to pass that corps, leave it in our rear, and with our land force, only, to seek his main body; what always will happen, did take place, the corps at Kingston, unopposed by the navy, and with abundant water and land transport, pursued in safety, harassed my rear, and retarded my movements.

‡ Here again the secretary, with his wonted facility, levels all obstructions, supplies men and materials, and raises fortifications, with a dash of his pen.

§ The secretary had previously given Hampton a separate command. He was well aware of that officer's personal hatred of me, yet, he talks of a junction at Montreal, as familiarly, as if Hampton had been subject to my orders, and there were no obstacles in the

shall enable you to secure what you gain. On this plan, the navy* would perform its part by occupying the mouth of the river, and preventing a pursuit by water; by clearing the river of the armed boats of the enemy, by holding with its own, the passage at Hamilton, and by giving support to that position. If the enemy pursues, it must be by land, without subsistence (excepting what he carries on his back) and without artillery. If he remains stationary, his situation must soon become even more serious, as the country in which he is, cannot long subsist him. It will then but remain to him, to fight his way to Quebec, to perish in the attempt, or to lay down his arms. After this exposition, it is unnecessary to add, that in conducting the present campaign, you will make *Kingston* your *primary object*, and that you will *choose*, (as circumstances may warrant) between a *direct*† and *indirect* attack upon that *post*.

I have the honour, &c.

JOHN ARMSTRONG.

Major-general Wilkinson, comd'g. dist. No. 9.

way. He subsequently made a secret arrangement with Hampton, took him under his own command, and as we find from Colonel King's testimony, he released Hampton from my authority, until a junction should take place, which it was always in Hampton's power to prevent, which he did prevent, and would have prevented, at the expense of the most precious rights, and interests of his country.

* Yet the navy did not *cover my rear*, or prevent a *pursuit*, or clear the *river* of the *armed boats of the enemy*, or attempt to *hold the passage of the St. Lawrence at Hamilton*. These, like all the other promises of the secretary, were delusive, or deceptive, and calculated to betray the man, who relied on his sincerity, his truth, and even his friendship.

† It will be perceived, that by this restriction, all discretion was taken from me, and that by giving me an alternative, the secretary, in case of misfortune, had preserved to himself an avenue of retreat, and had provided for me a ground of crimination. My confidence in his honour, and his personal attachment, beguiled my understanding. I was cheated, and have been ruined, by the artifices of Secretary Armstrong, seconded by the sinister bias of President Madison. If those gentlemen can derive consolation, from *their* triumph, and *my* depression, I wish them joy of it. My repose, is now beyond the reach of their frauds, their abuses, and machinations.

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No. III.

Extract* from the Journal of the Secretary of War.

4*th October*, 1813.—General Wilkinson arrived at Sackett's Harbour, on this day from Fort George.

He immediately visited the secretary of war, in company with Generals Lewis and Brown, and in the presence of these officers, remonstrated freely and warmly against making an attack on Kingston. Urging the propriety of passing that post, and of going directly to Montreal.

The secretary of war, differed from General Wilkinson in opinion, but thought his objections worthy of consideration, and proposed a meeting on the day following, for that purpose.

The meeting took place, accordingly, when General Wilkinson presented the paper marked A. That marked B, was presented by the secretary, and the opinion with which it closed was adopted, as that which should regulate the movements of the army.

A.†

Reasons for attacking Kingston, anterior to a descent upon Montreal.

1st.—We shall capture a garrison of 800 or 1000 men, and demolish a strong hold of the enemy.

* I do most solemnly declare, in the eye of heaven, as I hope for happiness here or hereafter, that this pretended extract, is utterly devoid of truth, in every particular, except in relation to the note A, which is authentic; and that the secretary of war, did also read a note to me, but whether that which is here presented, marked B, I cannot determine, as he put it in his pocket, together with that which I had submitted to him.

† In this exposition, it is manifest, I reasoned against my own judgment, or I should hardly have spoken so modestly, of the division under De Rottenburg, or so obscurely of the enemy's naval force, because it was evident, both must have fallen into our hands, by the reduction of Kingston; nor should I have converted Montreal into "*the*

2d.—We shall destroy his naval depot, and magazines of every species.

3d.—We shall by this operation, diminish his force, destroy his resources, and place the division at the head of the lake, under De Rottenburg, in great difficulty and distress: and

4th.—We shall destroy every naval resource, and, of consequence, prevent the building, equipping, and even repairing a single vessel.

Against this attack, it may be urged,

1st.—That the reduction of the place, may cost more time, than we calculate on.

2d.—It may encumber us with wounded and sick, and

3d.—It is possible, the British squadron, may as heretofore, elude Commodore Chauncey, and find us before Kingston, or overtake us on the St. Lawrence.

In the first place, from the lateness of the season, the loss of a few days, may expose us to the autumnal rains, and jeopardize *the chief object of the campaign.*

In the second place, our force will be diminished, and our movements retarded, and

In the third place, *the chief object of the campaign,* the capture of Montreal, will be utterly defeated, and our own army subjected to great difficulties, losses and perils.

Submitted to the honourable the secretary of war.

JAMES WILKINSON.

B.

1st.—The Niagara division will probably arrive here in a day or two.

chief object of the campaign," when I had been peremptorily ordered to consider *Kingston,* "*the first and great object of the campaign,*" and *Montreal* the object of "*indirect attack;*" by agreement, there was to have been a consultation, of the general officers, though none took place, for what reason I know not to this day; and being diffident of my own judgment, I so qualified my exposition, as to place the subject impartially before the council, but in terms to shew clearly, that after taking Kingston, we must abandon the idea of moving against Montreal, and put the army into winter quarters, at Kingston; and hence the deductions which follow my premises "*against the attack.*"

CHAP. V.

2d.—The weather is yet good, and the lake navigable by scows and boats.

3d.—The enemy's force,* is in the neighbourhood of Fort George, and his fleet at the head of the lake.

4th.—The garrison of Kingston does not exceed 800 or 1000 men.

5th.—If we effect a landing at M'Pherson's† farm, on the eastern side of Kingston, a point may be seized, which will command the town, the forts, and the harbour; and within seven hours after the landing is effected, a sufficient battery may‡ be erected, and in operation.

6th.—Nine and twelve pounders will be sufficient for burning block houses, &c. and may be dragged by the men.

7th.—The time necessary to reduce the place, will not exceed a single day, and of course, will not materially interfere, on that account with our object below.

8th.—The loss we may sustain, can only be conjectured. Judging from that at Fort George,§ where the enemy were more numerous, it will be inconsiderable.

9th.—The advantages of taking Kingston are two: you sever the line of communication, and you expel him from his only secure harbour.

* A part of the enemy's force, from the neighbourhood of Fort George, was pressing for Kingston, and Commodore Chauncey had actually captured, the flank companies of De Watteville's regiment, 200 strong, on their return to that post, and in the vicinity of it. The enemy's fleet entered Kingston harbour, on the 7th of October.

† Commodore Chauncey, when it was afterwards proposed to him, in a verbal communication, positively refused to cover such a landing, as he considered it too hazardous to his squadron, to bring it too, in a brisk current, immediately below the enemy.—See his letter of the 9th October, 1813.

‡ It is a solemn fact, extraordinary as it may appear, that the secretary opposed my taking battering cannon, with the expedition, observing, "*that a six pounder, was more effectual in firing houses with hot shot, than an eighteen pounder.*"

§ The positions were entirely dissimilar, and the garrison of Kingston, including the militia, was the strongest by one thousand.

These notes are offered, merely to expose the secretary's *contempt* of *facts*, when they stand in the way of his projects; not to oppose his opinion, in favour of the attack on Kingston, which, by the lapse of the season, had become my favourite object.

The premises assumed under the 1st, 2d, 3d, 4th, and 5th heads, may change, and our conclusions with them.

The* only safe decision therefore is, that if the British fleet shall not escape Commodore Chauncey, and get into Kingston harbour; if the garrison of that place be not largely reinforced; and if the weather be such as will allow us to navigate the lake securely, Kingston shall be our first object, otherwise, we shall go directly to Montreal.

JOHN ARMSTRONG.

Sackett's Harbour, 5th October, 1813.

Testimony on the part of the prosecution closed.

* Here we have another handsome specimen of the secretary's artifice; after strongly indicating a determination to attack Kingston, he saddles his propositions with provisions, which forbade his attack, and left me no alternative, but the "*direct attack*" of Montreal. He knew that the enemy had uniformly escaped our squadron, as it happened in this case. He knew the arrival of the division, from Fort George, was uncertain, and that the enemy would have time to reinforce Kingston. He knew that the weather, at that season, was always precarious, and the navigation insecure to our small craft and scows.

CHAPTER VI.

Testimony of Inspector-general A. Y. NICOLL.—*He receives an arrest for Major-general W. Hampton.—Does not serve it.—Lays it before Mr. Parker, chief clerk of the war office, and then hears no more of it.—Authenticates the abstract of General Wilkinson's army, and explains an error in it.—Testimony of Major-general* HENRY DEARBORN.—*Proves agreement with the British, respecting prisoners on parole.—His communication to the Secretary of War, on the latter's ordering paroled officers to do duty.—Order, in consequence, countermanded.—Testimony of Major* ABRAHAM EUSTIS.—*His narrative of the expedition to French Creek.—Attack of the flotilla, by the British.—Precision of General Wilkinson's orders.—Witness's admiration of the movement of the flotilla, in passing Prescott.—Necessity of landing the troops, to scour the Canada shore.—Utility of the* 18 *pound cannon.—Boats lumbered with stores, and indifference of the quarter-master general, to their preservation.—Great complaint of want of transport.—His opinion of General Wilkinson.—Cross-examination.—Five or six gun boats, on the* 10*th, so placed, as to flank the infantry.—Driven down, next morning, by the British gun boats.—Testimony of Doctor* EZEKIEL W. BULL.—*State of General Wilkinson's health, on his arrival at Utica.—His sickness increases.—Sick list at Fort George, amounts to upwards of* 1200 *men.—Satisfaction expressed by General Wilkinson, after his conversation with Colonel King.—General Wilkinson's boat particularly aimed at by the enemy, in passing Prescott.—General Wilkinson's habits.—Vigour of mind, displayed by him, during sickness.—His application, to be removed from command, on account of ill health.—Never saw General Wilkinson intoxicated, during the campaign.—His opinion of General Wilkinson.*

—General Wilkinson incapable of taking, the necessary quantity of stimulus, from the time of his leaving Fort George, to his arrival at Malone.—Testimony of Lieutenant JONATHAN BELL.*—Proves General Wilkinson's anxiety, to obtain the copy of a letter of the 25th of August, to the quarter-master general.—Ineffectual search for the paper, pretended by General Swartwout, to be sent to General Wilkinson,.—Testimony of* MATTHEW IRWIN, *assistant commissary of purchases.—Receives orders from the Secretary of War, for shipping clothing.—Requisition from Doctor Ross, for blankets and clothing.—Only two-thirds of the blankets required, issued by order of the Secretary of War.—Clothing left at Grenadier Island, afterwards delivered to the quarter-master general, at Sackett's Harbour.*

Troy, February 20th, 1815.

Examination of witnesses on the part of the prisoner.

ALL the witnesses, who had attended, on the part of the prosecution, having been examined, Major-general Wilkinson commenced with the defence; and

Testimony of A. Y. Nicoll.

ABIMAEL Y. NICOLL, late inspector general of the United States army, was sworn:

1st Q.—Did you serve as inspector general, attached to the war office, and when did you leave that station?

A.—I did; and left it on the 18th or 20th of April last.

2d Q.—Did you receive from Major-general Wilkinson, while acting in that capacity, an arrest for Major-general Hampton, with a request to serve the same?

The judge advocate objected to this, and the following question, as foreign to the case.

The court overruled the objection, and the witness answered as follows:

A.—I did receive it, at Washington, in the month of December, 1813, in the absence of the secretary of war.

3d Q.—Is not the paper now produced, a copy of that arrest;* and will you say, whether it was served or not?

* See Appendix, No. V.

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Received an arrest for Major-general Hampton: not served, but laid before Mr. Parker, in the absence of the secretary of war.

A.—It is, as far as my recollection serves me: the arrest was not served:* I considered myself as acting under the orders of the war department, and laid it before Mr. Parker, chief clerk, with a request, that it might be shewn to the President, for his instructions. I heard no more of it afterwards.

4th Q.—Is not the paper now presented to you, marked No. I. a return of the troops of the northern frontier, in the month of July, 1813, within military district No. 9?†

A.—This was made by me, and I presume was taken from the latest returns, received from those posts.

5th Q.—Did you furnish the late secretary of war, John Armstrong esq. the abstract, purporting to be "an abstract of General Wilkinson's army, agreeably to the report of his adjutant general, under date of December 1st, 1813, certified by you the 27th of January, 1814, and submitted by the said John Armstrong esq. to the President, on the 25th of January, 1814," which said report was laid on the table of the House of Representatives, the 2d of February, 1814, and is now presented‡ to you in page 66 of that report?

A.—I recollect making such report, by order of the secretary of war. It included a return of all, who were present, sick, absent, and prisoners of war, on their return. There is a mistake in the footing of it.

6th Q.—Was the note, which follows the said printed report, referring to the two regiments of light dragoons, as making part of General Wilkinson's force, &c. furnished by you, to the said secretary of war?

A.—I have no recollection of that note.

* This arrest was submitted to the President of course, and the suppression of it proves, his fears of Hampton's wealth and influence, his injustice to me, and his subversion of a radical principle of subordination and discipline. The arrest of General Hampton, would have discomposed the "harmony of the cabinet," to which every thing must yield; nay more, whatever might have been his own fate, he would have made expositions, which would have dishonoured the administration, *i. e.* if duplicity and deception be dishonourable.

† See Appendix, No. VI. ‡ See Appendix, No. VII.

7th Q.—How long have you been acquainted with General Wilkinson, and what is your opinion of him, as a man of honour, a gentleman, and a soldier?

His opinion of General Wilkinson.

A.—I have been acquainted with him since November, 1806, and have the highest opinion of him, as a man of honour, a gentleman, and a soldier.

8th Q.—From your observation, was General Wilkinson, subject to the brutal practice of intoxication; or did he not discourage, such vicious and destructive habits, in both officers and men?

A.—I never recollect seeing him intoxicated; and have known him, on frequent occasions, discourage it in others.

Cross-examination.

The witness, in his cross-examination by the judge advocate, stated,

That he cannot account for the error, in the printed report, before alluded to, unless by mistake, possibly, of the printer, two regiments, the 9th, and 15th, have been left out. From the returns of the above regiments, which he has lately seen, and which he presumes were omitted, it appears, that by adding their aggregate, to that of the regiments specified in the report, the total will be 8,143, as stated in the printed copy.

Testimony of Major-general Dearborn.

HENRY DEARBORN, Major-general in the United States army, and president of the court, being sworn, and examined as a witness, in behalf of General Wilkinson, testified:

Agreement with the British, respecting prisoners on parole.

That on the 13th of November, 1812, at Whitehall, in the 9th military district, he entered into an agreement, with an aid of Sir George Prevost, duly authorised, relative to prisoners of war. In this it was particularly stipulated, "that prisoners on parole, of either party, should perform no military service whatever." A copy of the agreement was transmitted, as he thinks, to the secretary of state.

Major-general Dearborn, in continuation, deposed, that in the latter part of March, or 1st of April, 1813, General Armstrong, then secretary of war, ordered cer-

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His communication to the secretary of war.

tain paroled officers, to perform certain military duties. Presuming he was not aware of the agreement before mentioned, the witness informed him of it, and shortly after, as he understood, the order was countermanded.

Testimony of Thomas P. Baldwin.

THOMAS P. BALDWIN, was next sworn and examined, as a witness, in behalf of General Wilkinson, as follows:

1st Q.—Were you engaged in the military service of the United States, in the campaign of 1813, and in what capacity?

A.—I was an assistant in the quarter-master general's department.

2d Q.—Did you shew to General Hampton, any order from the quarter-master general to you? Have you a copy of that order, and will you produce it? Did General Hampton give you back that order; if not, what reason did he assign for detaining it? Detail his conversation with you, and when, and where it took place?

A.—I did, and the paper* produced, is a copy taken from recollection. I shewed it to General Hampton, who refused to return it, and observed, he might want to make use of it hereafter. This occurred at Spear's settlement, in Lower Canada.

Owing to the indisposition of Major-general Wilkinson, the court adjourned to the 21st instant, 10 o'clock, A. M.

Troy, February 21st, 1815.

The court convened pursuant to adjournment.

Testimony of Major Abraham Eustis.

ABRAHAM EUSTIS, Major of the regiment of light artillery, and Lieutenant-colonel by brevet, being sworn, was examined as a witness, in behalf of General Wilkinson, as follows:

1st Q.—Were you at Sackett's Harbour, in 1813, and in what capacity did you act?

* See Appendix, No. VIII.

A.—I arrived there, from Fort George, about the 1st of September, and took command of two companies of light artillery, with the rank of major.

2d Q.—What was the state of the weather, as to wind, and other circumstances, from the 4th of October, to the 20th of the same month?

A.—I cannot particularly recollect dates. From the time of General Wilkinson's arrival, until I sailed for Grenadier Island, the weather was generally bad; the greater part of the time a tempest. I was, in consequence of it, obliged to abandon my tent.

3d Q.—Could you, during that period, with your loaded scows and batteaux, have made your voyage to Grenadier Island in safety?

A.—I cannot say positively. There might have been a day or two of fair weather. I think it very probable there was. But other causes prevented our sailing.

4th Q.—Did you not at Sackett's Harbour, mount several heavy 18 pounders, on travelling carriages, in the scows? And were not those eighteens brought from Fort George, at the time of General Wilkinson's arrival, or afterwards?

A.—I mounted two eighteens, which, to the best of my recollection, came from Fort George. Two others were taken from Fort Volunteer. These four we carried with us down the St. Lawrence.

5th Q.—When you embarked for Grenadier Island, how many days provisions had you on hand? And will you please to describe, the circumstances which took place, during the voyage?

A.—The number of day's provisions, or the precise day of my departure, I am unable to state. I left Sackett's Harbour, about an hour before sunset, with eleven gun boats, and twelve scows, each containing artillery, one hundred rounds of ammunition, for each gun, with the men, and every necessary apparatus, for immediate use. On arriving off Point Peninsula, the wind freshened, and during the night, owing to this, and the ignorance of our pilots, one gun boat and five scows, strand-

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ed on the point. Two of the scows were lost. My own pilot ran the boat ashore twice; and owing to their dispersion, several days elapsed, before the whole of my command arrived at Grenadier Island.

6th Q.—Do you recollect an attack upon our flotilla; and our position at French Creek; and will you describe it?

A.—French Creek emptied into a small bay, containing depth of water sufficient, to admit a vessel of four hundred tons, very near the shore. The boats of General Brown's command, the gun boats and scows with the artillery, were drawn into the creek: the latter near its mouth. The artillery were encamped near the shore; the infantry farther in the woods, but within supporting distance of the artillery. On the morning of the day the attack was made, Brigadier-general Porter, ordered me to land two eighteen pounders, on a flat rock, which formed a very advantageous position. The command of these was given to Captain M'Pherson. About half an hour before sun-down, a heavy shot, and soon after, a second, passed directly over the tent, in which I was. On running out, I discovered two brigs, two schooners, and several gun boats, within a quarter of a mile. Captain M'Pherson's men were, by this time, at their guns. The enemy kept up a very brisk fire from their broadsides, which was returned, with great effect, from our battery. Within the first half hour, a third eighteen pounder had been added, and the action continued until dark, when the enemy retired down the river.

Attack on the flotilla, by the enemy.

In the course of the night, a furnace was constructed; by morning, red-hot shot were prepared; and when the enemy again appeared, one of their vessels was set on fire, three or four times, and we annoyed them so much, that their whole object, was to effect their escape, which they accomplished, through the north channel, to Kingston, about two hours before Commodore Chauncey's fleet hove in sight.

7th Q.—If the eighteen pounders had been dismounted, and their carriages taken in pieces, what would have

been the consequences, before they could have been mounted, and placed in battery?

Landing of the 18 pounders saved the flotilla.

A.—I have no doubt, the precautions taken by Brigadier-general Porter, of landing the eighteen pounders, saved the flotilla. It must have been destroyed, had not those guns, been perfectly ready for service. The pieces were remarkably well served, almost every shot taking effect.

8th Q.—Will you be pleased to state to the court, what was the movement of the flotilla, from French Creek to the neighbourhood of Ogdensburgh?

A.—They moved in very regular order, except one evening, when part of General Brown's division of boats, were in some confusion off Morrisville. *Our orders were so precise, it was scarcely possible for any derangement to occur.* I was, however, in front, and could not observe any great distance, beyond my particular command, probably not exceeding a third of the whole flotilla.

Precision of General Wilkinson's orders.

9th Q.—What were your observations, on the passage of the armament, by the British post at Prescott?

His observations on the armament passing Prescott.

A.—That of the flotilla, was the finest military movement, I ever witnessed; conducted with the greatest regularity, precision, and silence. The boats moved in line, and nearly half had passed, before they were discovered. Eight gun-boats under my command, were stationed in the mid-channel, opposite to Prescott, to protect our left flank, should the enemy's gun-boats come out; and to cause the remainder of the flotilla, to pass between my position and the American shore. Four other gun-boats, under command of Captain Fanning, were ordered to bring up our rear. The squadron of gun-boats, at this time, consisted of twelve in number. One captured from the enemy, having been added to my command.

10th Q.—Did you see General Wilkinson, on the evening of that day, the 6th, or morning of the 7th, and was he intoxicated, or not?

A.—I do not recollect seeing him in the evening of the 6th. On the morning of the 7th, about 10 or 11 o'clock,

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I saw him two or three miles below Ogdensburgh, he was not then intoxicated.

11*th Q.*—On the 7th, did you observe the enemy, on the Canada shore, and did you not engage two pieces of light artillery, which were firing on the General's boat?

Perceives the British horse artillery—they fire at General Wilkinson's schooner.

A.—In the morning of the 7th, I observed about two hundred men, with two pieces of artillery, on the Canada shore. In the afternoon, the same pieces equipped as horse artillery, I perceived, in full gallop, down the bank of the river; about ten men accompanied each gun, and several shot were fired at General Wilkinson's schooner, and one or two at a gun-boat. To gain the advance of them, with the gun-boats under my command, I had a race with them, about a mile, and was preparing to go on shore, when the enemy perceived, Major Forsyth with his corps, attempting to land, and thereupon retreated. Several of our gun-boats, returned the enemy's fire.

12*th Q.*—If a body of troops, had not landed, to clear the coast of the river, could not the enemy's horse artillery, have kept pace with the flotilla? And might not bodies of infantry, strung along the left bank of the St. Lawrence, have greatly annoyed, and injured the troops in their descent of that river?

A.—Those pieces could have kept pace with us; and infantry on the bank, had there been any there, might have annoyed us in many places.

13*th Q.*—From what you understand, of the current and adjacent shores of the river St. Lawrence; suppose a body of infantry, hanging on the rear of our army, with batteaux, for the transportation of their provision, and baggage; with gallies and gun-boats for their protection; Could they not have given our army battle, or refused it, at discretion?

A.—They could.

14*th Q.*—If under such circumstances, General Wilkinson had determined to retrogade, and destroy the column of the enemy in his rear; could they not have elud-

ed him, by getting into their batteaux, and crossing the river; or by dispersing in the neighbouring woods, and returning to Prescott?

A.—They could have avoided an action, if they chose.

15*th Q.*—When Captain Mulcaster, of the British navy, fell down the St. Lawrence, with his gun-boats and gallies, on the 11th November, was it not with a view to destroy our flotilla?

A.—I presume, that was his object. He had only one galley, but several gun-boats.

Utility of the 18 pounder battery.

16*th Q.*—Might he not have succeeded, from the superiority of his metal, over our gun barges, if a battery of eighteen pounders on the shore, had not opened upon him? And did not such battery, after a few shot, induce him to retire up the river?

A.—Certainly.

17*th Q.*—Were not the dragoon horses, crossed in the artillery scows, at the narrows, near the White House; and was not that the only place you saw, on the St. Lawrence river, where they could have been crossed in this manner, without much labour, inconvenience, and delay?

A.—They were. It was the best place on the river, for their crossing, on account of its being narrow, and there being an eddy on each side, which proved of great assistance.

18*th Q.*—Do you know how the hospital stores, and medicines, were shipped and disposed of? Were they placed under the charge, of any particular person or persons? And did you hold any particular conversation, with the quarter-master-general, or his deputy, on that subject?

A.—On taking charge of the gun-boats, at Sackett's Harbour, I found them deeply laden, with hospital stores, intrenching tools, and other quarter-masters' stores. I went to Major Brown, Deputy Quarter-master-general, remonstrated on the subject of those articles, being left in the boats, and told him, that in case of an attack, I should be under the necessity, of throwing them over-

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board. The amount of his reply was, "that he had put them there, and having no other transportation, he could not take them out, or do any better. *He was indifferent what became of them.*" The stores were not under any particular person's charge; and I know they were used by the men, as it was impossible to keep the guard sober. It was very difficult to row, or manage the boats, on account of their being so much lumbered.

Boats much lumbered. Speaks to the Q. M. Gen., who shews much indifference.

19*th Q.*—Did you know of any wanton waste of provisions, or stores, by the troops, during the expedition down the St. Lawrence, in 1813? and did General Wilkinson, by word, or deed, countenance, or encourage such wanton abuse?

A.—I know of none, but what I last stated. I did all in my power to prevent that, but found it impossible. Several punishments were inflicted on the men, but without effect. The boats had no decks, and the stores in consequence, were exposed under the feet of the men. At Grenadier Island, where the waste principally occurred, I mentioned it to Major Brown, and I think, to General Swartwout. The reply was, they had no transportation—*there was no remedy for it,* and *the thing must take its course.*

I never knew General Wilkinson, to countenance such waste, or abuse.

20*th Q.*—Was there not a general complaint for want of transport? Were not quarter-masters' tools, stores, and implements, ammunition and ordnance stores, camp equipage, the medicines and stores of the hospital department, contractor's stores and provisions, crowded and huddled together, indiscriminately, in the boats of the flotilla, without being committed to the care of particular persons?

Great complaint of want of transport.

A.—There was great complaint, for want of transport. I know nothing of the lading of any boats, except those under my command. They were in the condition I have already described. The scows had only the artillery, and their equipments.

21st Q.—From the circumstances of the season, the defect of transport, the ill health of the troops, the unexpected pressure of the enemy, upon our rear, and the resistance in our front, will you be pleased to tell the court, whether, in your judgment, as a military officer, there was any unnecessary delay, between Sackett's Harbour and Barnhart's?

A.—I knew of none.

22d Q.—From your knowledge of General Wilkinson's character and conduct, do you believe him capable, of neglect of duty, or violation of the trust of his country?

A.—I do not.

Evidence of General Wilkinson's zeal.

23d Q.—In every instance which has fallen under your observation, has he not by his actions, and his orders, evinced a zealous regard for the honour of the army, and the interests of the nation?

A.—Certainly.

24th Q.—From your observations, on the character and conduct of General Wilkinson, what is your opinion of him, as a man of honour, a gentleman, and a soldier?

His opinion of General Wilkinson.

A.—Since I have known him, I have always had the highest confidence in him, as a man of honour, a gentleman, and a soldier.

25th Q.—Is he subject to the beastly habit of intoxication? Have you ever seen him in that disgraceful condition?

A.—I never saw him drunk; but I am not sufficiently acquainted with him, to know what are his habits.

26th Q.—Were the artillery corps embarked, and again disembarked, at Grenadier Island? And if so, what was the cause of such disembarkation?

A.—Not to my knowledge.

27th Q.—Who commanded the artillery corps at that time?

A.—I commanded all who acted as artillerists.

28th Q.—Did the men of the artillery regiment, under Colonel Macomb, act as artillerists, or infantry, at that time?

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A.—As infantry.

Cross-examination.

The direct examination of Lieutenant-colonel Eustis, being ended, he was cross-examined, on the part of the prosecution; and in reply to a question, as to the state of the weather at Sackett's Harbour, between the 4th and 9th of October, deposed, that the day after General Wilkinson's arrival, it rained, and, according to his impression, the wind was high. He also stated, that he reached French Creek, with his command, four or five days before General Wilkinson. The afternoon of his departure from Grenadier Island, was boisterous; the night was the same; and owing to the weather and bad pilots, several scows, and gun boats, with a large ordnance schooner, having on board Captain Archer's company, got on a reef off Carleton Island. The schooner did not get off until noon the day following, when an hundred men, despatched by General (then Colonel) Bissell, assisted him in lightening her. On the third day of his passage, they landed at French Creek. What time, Colonel Upham reached there, he does not recollect. He knows of no provisions having been left on shore. The witness added, that it is seven years since he was first introduced to General Wilkinson, at Washington.

Questions by the Court.

1st Q.—What was the position of the gun boats, on the evening of the 10th, when the enemy appeared? Were they so arranged, as to flank the infantry, posted at the first ravine?

A.—Four or six, were so posted, I think by order of General Lewis. The next morning, they were driven down to the point, below the infantry, by Captain Mulcaster.

We first discovered the British gun boats and galley, on the 10th of November, I think, about noon.

2d Q.—By whose orders, were the artillery horses sent

down, from the White House, with General Brown's command?

A.—At Sackett's Harbour, on applying for the artillery horses, the quarter-master general directed, that they should be left in the stables, as he had provided persons to take charge of them. Owing to this, they did not accompany me. Afterwards, at the White House, about two hundred, out of two hundred and fifty, the number collected at Sackett's Harbour, were brought up, the remainder had strayed, or were lost on the road. They were then in the charge of Comfort Tyler, assisted by a man named Farnum, who came with the first drove. The former required me to receive them, which I declined. I ferried them across to the Canada side, and know not what became of the drove afterwards. A considerable number were rode by the officers, under General Brown's command. I, however, received at the White House, and took possession of, four guns, with their caissons, and four horses to each gun. These were assigned to Captain M'Pherson, who first attached himself to the *elite*, under Colonel Macomb, and with them, joined the detachment, under General Brown.

Testimony of Doctor E. W. Bull.

EZEKIEL W. BULL, hospital surgeon in the United States army, was next sworn, as a witness, for the defence, and examined as follows:

1*st Q.*—Did you accompany General Wilkinson, in the campaign of 1813, from the city of Washington, and in what capacity?

A.—I did; and had the medical charge of the sick and wounded, of the general staff.

State of General Wilkinson's health, on his arrival at Utica.

2*d Q.*—At what time did you reach Sackett's Harbour? And was not General Wilkinson ill on the road?

A.—We arrived on the 20th of August. General Wilkinson was ill at Utica, and there bled; but notwithstanding, he proceeded, the next day, on his journey.

3*d Q.*—On what day did General Wilkinson leave

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Sackett's Harbour for Fort George? Did you accompany him on his voyage; and at what time, did he arrive at Niagara?

A.—He left it, either the last of August, or 1st of September, and arrived at Niagara, on the 6th of September. I sailed in a schooner, at the same time with General Wilkinson, but during the voyage, he preceded me; —started from Sandy Creek to Oswego, in his barge, after sun-down, and afterwards went by land from Genesee river to Niagara. I performed the voyage in the schooner, and, on my arrival, found General Wilkinson ill in bed.

4*th Q.*—What was the number of sick at Fort George, and what were the means adopted by General Wilkinson, respecting them?

Number of sick, at Fort George, upwards of 1200.

A.—There were upwards of twelve hundred sick. General Wilkinson directed an inspection; appointed Colonel Scott, Major Johnson, and myself to that duty; and instructed us, as well to ascertain their number, diseases, and general condition, as to note those, who, in a week or ten days, would not require attendance. This was with a view, of removing every man, who could be useful in the expedition.

The hospital under Doctor Mann, was in excellent order, as were some regimental ones; but the last were generally badly attended.

5*th Q.*—What was the state of transport for the troops at Fort George, when General Wilkinson arrived? Were not boats expected from the quarter-master general? And was not great solicitude, excited by their delay?

A.—When I arrived, there were few transports of any kind, in the river, and General Wilkinson frequently expressed solicitude and anxiety, on account of their not arriving?

6*th Q.*—What was the state of the wind, generally, in the month of September, at Fort George?

A.—Boisterous and high. In the early part of the month, there was some tolerable weather.

7th Q.—Was there a day's unnecessary delay there, after the boats were ready to receive the troops; and did not General Wilkinson, frequently express his sorrow, and great anxiety, at the waste of the season?

A.—I cannot think, there was any unnecessary delay. The tents were struck, and the troops marched down to the river, for embarkation, but were for several days detained, in this situation, on account of the weather. General Wilkinson, as well as the other officers, regretted the waste of the season.

8th Q.—When did you leave Niagara, and what appeared to be the situation of the flotilla, which had sailed the day before? What was General Wilkinson's conduct on that day?

A.—I cannot recollect the particular day; but several of the flotilla, which had started, the day preceding my departure, were stranded on the beach. General Wilkinson was attentive to getting the boats repaired, and in motion; sent Lieutenant Becket to ascertain the damage done, and went personally on board Commodore Chauncey's ship, to concert measures for the security of their voyage.

9th Q.—When did General Wilkinson arrive at Sackett's Harbour, and what was the state of his health, at that time?

The state of General Wilkinson's health.

A.—He arrived on the 4th of October; his health was not amended, and he was so weak, as to require support to his quarters; two or three hours after, he was seized with a violent ague.

10th Q.—When did General Wilkinson leave Sackett's Harbour, for Grenadier Island?

A.—About the 20th of October.

11th Q.—What was the state of the weather in the interval?

A.—Very stormy, with occasional moderate intervals; but these of short continuance, subject to very sudden changes.

12th Q.—What was the state of his health, during the same period?

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A.—He continued ill. Doctor Tilton and I attended him; but the usual remedies, which benefitted others, seemed to have no effect upon him.

13*th Q.*—Did you accompany General Wilkinson down the St. Lawrence, on the morning of the 6th of November, 1813, to reconnoitre Prescott; and did you, whilst returning, meet General Lewis and Colonel King? Will you state what followed?

A.—I did. We all went ashore. General Wilkinson, with those two gentlemen, sat down on a log; and presuming it was with a view, to confidential conversation, I did not join it.

Satisfaction of General Wilkinson, on his conversation with Colonel King.

"On General Wilkinson's return to the boat, he informed me, he felt great relief, from the conversation with Colonel King, as he was now certain, of a junction with General Hampton, at St. Regis, or somewhere in that neighbourhood."

Objection of the judge advocate.

The admission of the latter part of the witness's answer, was objected to by the judge advocate on the plea, that as some of the particulars, of that conversation, in which Colonel King was a party, on the 6th of November, formed one of the specifications against General Wilkinson; and as there was already some variance in the evidence, before the court on this point. Neither General Wilkinson's statement of what occurred, nor the impressions, he is said to have entertained, from the result of the conference, can be legal evidence. All *hearsay* is inadmissible, and especially, the most objectionable species of it, the declarations of a party in his own favour.

See *M'Nally*, on Evidence, page 361, and the opinion of Chief Baron Eyre, page 378, to the same effect.

Overruled by the court.

The court considered the testimony admissible.

14*th Q.*—Was there a meeting of the general officers, or some of them, on board of General Wilkinson's schooner, in the afternoon of the 6th of November, and was General Swartwout of the number?

A.—There was, and I think, General Swartwout attended.

15*th Q.*—Were you present on board of General Wilkinson's boat, when Colonels (now Generals) Scott and Gaines arrived there? And did not General Wilkinson, appear rejoiced to see them?

A.—I was. There appeared great cordiality on all sides.

16*th Q.*—Did you observe, any marks of intoxication, about General Wilkinson, at that time?

A.—I did not. He had an accession of fever at that time.

17*th Q.*—Did you see General Wilkinson afterwards, and had you any conversation with him? If so, be pleased to state it? Did you see the General descend into his barge, and was he intoxicated then?

A.—I did see him, and recollect, I remonstrated, several times, against his going down the river in an open boat, and exposing himself to the night air. I considered, that he did not pay sufficient attention, to my representations. Afterwards, I pressed him to drink brandy toddy, and to take some in the boat with him; the last he refused doing. He was, at this time, unable to drink wine, because his stomach rejected it. I observed, when General Wilkinson went into his barge, he was *perfectly collected*, and took the helm as soon as he entered it.

18*th Q.*—Did you see General Wilkinson next morning, and what was his situation? Did he appear intoxicated?

A.—I saw him next morning; found he had not received as much injury, as I expected. He was feeble, though *perfectly sober.*

19*th Q.*—Was the General's boat fired on, by the enemy, in descending the first rapid, below Prescott? Will you state the particulars?

A.—There were several corps of militia, on the enemy's side, who on seeing General Wilkinson's boat, moved two pieces of artillery, along with great celerity, and placed them in battery, on the bank. This being

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General Wilkinson's boat particularly aimed at, by the enemy.

the leading boat, was particularly aimed at: some shot cut the rigging, others went near the boat and directly over it: so that it was difficult to keep the pilot at the helm.

20th Q.—Did you make any observations on the hospital department, during the expedition? and can you say in what manner, the stores and medicines, were disposed of, and transported?

Dr. Ross complains of want of transport, and difficulty of finding hospital stores.

A.—Doctor Ross had the medical superintendence of the expedition. He often complained to me, that for want of separate transports, he could not command his stores; that he neither knew where to find, or how to distribute them.

21st Q.—Do you know, whether those articles were placed in the charge of any particular person? Or whether the officers of the quarter-master's department, knew where they could be found?

A.—I do not know, that any person had them in charge. Major Brown, the deputy quarter-master general, who was himself ill, and under my care, required the use of some of those articles, but could not direct me where to find them.

22d Q.—Did you see any wanton waste, or destruction of provisions, as you descended the St. Lawrence?

A.—I did not think, the stores were well husbanded, but saw no wanton waste.

23d Q.—Do you know the reason, why General Brown was detached to the front, on the Canada side of the St. Lawrence, on the 9th and 10th November?

A.—It was to clear the bank of the river, of any enemy that might interrupt, the passage of the flotilla.

24th Q.—Do you know the causes of the halt, of the flotilla, near the head of the Long Saut, the 10th, and on the morning of the 11th November?

A.—I understood it was waiting a courier from General Brown. General Wilkinson expressed great surprise, that one had not been sent earlier.

25th Q.—How long have you been acquainted, with

General Wilkinson? Do you know his habits of life, and is he subject to intemperance?

General Wilkinson's habits.

A.—I have been acquainted with him, from early youth. His habits of life, are social and convivial, but by no means intemperate.

26th Q.—During the sickness and sufferings of General Wilkinson, in the campaign of 1813, did he yield to the pressure of affliction? And what was his conduct, in regard to the several branches of the service, and the high trust reposed in him?

The vigour of mind displayed by General Wilkinson during his sickness.

A.—His mind did not bend with his bodily afflictions, but preserved its usual vigour. He was capable of great intellectual labour, and could pursue a train of investigation, without much lassitude or fatigue. He was unremitting in his attention, to the duties of his office; often dictating orders and correspondence, when I thought he ought to have been quiet in his bed.

27th Q.—Did you, at Sackett's Harbour, in the month of August, 1813, copy an order from Major-general Wilkinson, to Brigadier-general Swartwout, directing him to provide tools, implements, and materials of various kinds, with a quantity of oats, for the pending expedition?

A.—I copied such a letter, but have no recollection, of the number of tools and implements, or the quantity of oats required. Nor do I think their destination, was mentioned in the letter.

28th Q.—Were not several applications made to the secretary of war, during the two months of November and December, by General Wilkinson and yourself, for his removal from the command of the northern army, in consequence of his extreme ill health? and do you know, whether any answer was received, to those applications?

General Wilkinson's application to the secretary of war, to be removed from the command of the

A.—I made two applications, on that subject, with the privity, and once by the direction, of General Wilkinson, but received no answer. General Wilkinson made an application, to the same effect, and shewed me his letter. I am well persuaded no answer was returned, as I should

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have retired with him; inasmuch as I was General Wilkinson's attending physician.

northern army, on account of ill health.

29*th* Q.—Under the solemn oath you have taken, will you say to this court, whether you saw General Wilkinson intoxicated during the campaign of 1813, and whether the regulations of his family, in the field, were not opposed to intemperance?

Never saw General Wilkinson intoxicated during the campaign.

A.—I have never seen him intoxicated, but gay and lively. The latter part of the campaign, he could not take stimulus enough, to promote his convalescence; or his health would have been earlier restored. I recollect also, that a rule was made, enjoining very strict sobriety, upon the members of General Wilkinson's family, against which, I remonstrated and revolted.

30*th* Q.—After you met General Wilkinson, at Niagara, were you separated from him a single day, or night, during the campaign?

A.—With the exception of the night we passed Prescott, I was not.

31*st* Q.—Did you see General Wilkinson on the 11th of November, 1813, and what was his condition that day?

A.—He was confined to his bed, very feeble; regretted his inglorious, and almost helpless, situation; only begged for health sufficient to mount his horse and die at the head of his comrades. He had, the day before, resigned the command to Major-general Lewis. I called on the latter, in the morning of the 11th, and on my return informed General Wilkinson, he was quite as ill as himself. I think General Wilkinson did not afterwards, resume the *formal* command on that day.

32*d* Q.—Had you any conversation, with the late secretary of war, in the winter of 1814, respecting the insubordination of General Wilkinson? And if so, will you state what it was?

Objection of the judge advocate.

The judge advocate objected to the question, alleging that no conversation or admission of the late secretary, unless accompanied with the formality of an order, could

affect the merits of the case; or absolve a party from what is itself reprehensible; they ought therefore not to be allowed, to have an influence in this trial, in which the government, is the ostensible prosecutor.

The court permitted the question to be put, but on hearing the reply, deemed it irrelevant.

His opinion of General Wilkinson.

33*d Q.* —As a man of honour, a soldier and a gentleman, what is your opinion of General Wilkinson?

A.—I have the highest opinion of him in all those capacities, or I should not have continued so long in his family.

The court adjourned to Wednesday, the 22d February, 1815, at 10 o'clock, A. M.

Troy, February 22d, 1815.

The court convened pursuant to adjournment.

The president having received an invitation from the citizens of Troy, to unite with them in the double purpose, of commemorating a day dear to us as Americans; and of celebrating the return of peace to our country; the court, to evince its sympathy in the general feelings, adjourned to Thursday, the 23d February, 1815, at 10 o'clock, A. M.

Troy, February 23d, 1815.

The court convened pursuant to adjournment.

The examination of Doctor Bull, was resumed as follows:

34*th Q.*—Do you recollect a report of Doctor Ross, the superintendent of the hospitals, on the expedition, which was handed to General Wilkinson, at Malone, under date of the 8th of December, 1814? And is that report now presented to you?*

* See Appendix, No. VIII.

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A.—I do; but do not know if I was present when it was received.

35*th Q.*—Did this report produce any violent passion, adverse to Doctor Ross; or what was the effect it produced?

A.—It produced no violent passion. I never heard General Wilkinson express himself, hostile to Doctor Ross, or manifest irritation towards him. He made no exception to the report, which he would have done to me, had it caused irritation.

36*th Q.*—When General Wilkinson complained to you, at Sackett's Harbour, of his feebleness, ill health and incapacity to command, what was your advice?

A.—I encouraged him to perseverance, under an idea, that his health would improve, and be restored.

37*th Q.*—Is not the copy of the letter, now presented to you, in your manuscript; and was not the original transmitted to the secretary of war?

A.—It is; and I believe was transmitted to the secretary.

The judge advocate opposed the admission of the letter, on the grounds:

1st.—Of its illegality; it being nothing more than General Wilkinson's statement, offered to be introduced in his own behalf.

2d.—Because it has no relation to the charges.

The court reserved the question of its admissibility.

The witness was then cross-examined, by the judge advocate, as follows:

1*st Q.*—Was an inspection had, of the sick at Fort George, pursuant to General Wilkinson's directions, and a report in consequence made to him?

A.—An inspection was had, and the report drawn up by General Scott.

2*d Q.*—Were any measures taken by General Wilkinson, at Fort George, to hasten the arrival of transport, and what were they?

A.—No further than by writing to the quarter-master general, and by urging Major Camp, assistant deputy quarter-master general.

3d Q.—Do you recollect, whether part of the expedition from Fort George, had embarked the latter part of September, and after proceeding some miles, were recalled by General Wilkinson, in consequence of an expected attack?

A.—I do.

4th Q.—How were you informed of the object, of General Wilkinson's visit to Commodore Chauncey's ship? Did you accompany him?

A.—I did not accompany him; but learnt it from himself.

5th Q.—Was General Wilkinson in the least degree, less qualified to command, from the effect of any thing he had drank, on the evening of the 6th of November?

A.—I do not think he was. What he had taken was absolutely necessary; or I do not think he would have been able to move at all.

6th Q.—How long was you in company with him that evening, and at what hour did you leave him?

A.—It was before dark.

7th Q.—At what hour next morning did you see him, and where?

A.—It was between 8 and 9 o'clock, below Ogdensburgh.

8th Q.—Do you recollect, at any time, during the evening of the 6th, or morning of the 7th, taking a bottle from General Wilkinson, and observing, he had stimulus enough?

A.—*No, Sir. I never did such a thing.*

9th Q.—You say you copied a letter, from General Wilkinson, to General Swartwout, making a requisition for oats and other articles. Can you mention its date, or say when, and by whom, it was delivered to General Swartwout?

A.—I copied such a letter in the month of August, at Sackett's Harbour; but by whom it was delivered, or whether it was ever delivered, I know not.

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10*th Q.*—Is this the only order, from General Wilkinson, to General Swartwout, you copied during that campaign, in which oats were directed to be furnished?

A.—It is, to the best of my recollection.

11*th Q.*—Did you retain the original, or a copy of that order, or do you know what has become of it?

A.—I simply copied a letter, at the General's request: at that time I copied many.

12*th Q.*—Does not General Wilkinson always retain originals, or copies of documents, as vouchers?

A.—He was very attentive to his correspondence, and if not mislaid, retains almost every paper.

13*th Q.*—Was any application made by you, or General Wilkinson, to the secretary of war, at Sackett's Harbour, or at any time before the army reached French Mills, for General Wilkinson's removal from military district No. 9, on the plea of ill health?

A.—Not by me, although some conversation, passed between me and the secretary on that subject, and, I believe, between him and General Wilkinson.

General Wilkinson incapable of taking, a sufficient quantity of stimulus, from the time he was at Fort George, until his arrival at Malone.

14*th Q.*—At what time, in the campaign of 1813, was General Wilkinson's situation such, as to preclude his taking, the necessary quantity of stimulus?

A.—During the whole period, from the review of the troops at Fort George, to his arrival at Malone.

JONATHAN BELL, 1st Lieutenant in the 22d regiment of infantry, and assistant deputy paymaster general, was sworn as a witness for the defence, and examined as follows:

Testimony of Lieutenant Jonathan Bell.

1*st Q.*—Was you not attached to the family of General Wilkinson, in the year 1813, in the capacity of a private secretary; and had you not the charge, of his military correspondence generally?

A.—I was; and had the superintendence of his official correspondence.

2*d Q.*—Do you not recollect, General Wilkinson asking you, at Sackett's Harbour, in October, 1813, for the

copy of a letter, from him to the quarter-master general, Brigadier-general Swartwout; and did you not present him, the copy of a letter of the 25th of August, now presented to you; and what was his reply?

A.—During some correspondence with General Armstrong, General Wilkinson informed him, he had directed the quarter-master general, to furnish a quantity of forage. On this account, General Wilkinson applied to me, for his order to General Swartwout; search was made, but none could be found answering the description. I then presented General Wilkinson, the letter of the 25th of August. He observed, that was not the one he wished.

3*d Q.*—Is not this copy in your own hand writing; has it not always been on file, and was it not copied in the letter book?

A.—This copy was made by me; was introduced into the letter book soon after; and has, I believe, always been on file.

4*th Q.*—Did not General Wilkinson make frequent enquiries, and express much solicitude for the copy of the letter, which contained an order for the providing of forage; and was it ever found?

A.—He made frequent enquiries, at the time, before spoken of; also at Malone, and at Plattsburgh; it was never found.

5*th Q.*—Did you understand what was the cause, of General Wilkinson's solicitude, on the subject, of the copy of that letter?

A.—In his correspondence with the secretary of war, he informed him, he had ordered a large quantity of forage; and his anxiety arose, I understood, from his wishing to shew, that order to the secretary.

General Wilkinson's anxiety, to find the copy of a letter, ordering forage.

6*th Q.*—Have you any recollection of a search being made at Plattsburgh, by order of General Wilkinson, for an original letter from him, to Brigadier-general Swartwout, which the said Swartwout pretended he had sent to General Wilkinson, by an orderly sergeant? Were not the orderly sergeants, for several preceding days, called

His exertions, to obtain intelligence of

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an original letter, pretended to be sent to him, by General Swartwout.

for, and examined without effect? And did not General Wilkinson shew great solicitude on the subject?

A.—Colonel Pinkney, Major M'Pherson, and myself, were engaged in making the enquiry; examined all the orderlys, for several days in succession, and found no one who had brought a letter, from General Swartwout, on the day referred to.

7th Q.—Did you not call on, Brigadier-general Swartwout, quarter-master general, some short time before he left Plattsburgh, in February, 1814, with a note, from General Wilkinson, for a paper, or letter, or copy, with directions to receive it, from the said Swartwout?

A.—I called upon him, shortly before his departure, with a note, the contents of which, I was not acquainted with; and was directed by General Wilkinson, to receive the paper, called for in the note.

8th Q.—Did you make such offer, and what was Brigadier-general Swartwout's reply?

A.—I made the offer; do not recollect the reply; but did not get the paper.

9th Q.—Was not this application made, to General Swartwout, by General Wilkinson, before you had information of the letter, said to be delivered by Gen. Swartwout, to an orderly sergeant?

A.—It was a short time previous.

10th Q.—Did you ever know of, General Swartwout's calling, on General Wilkinson, respecting that letter?

A.—I do not expressly know of his calling.

The witness, being cross-examined on the part of the prosecution; stated, that the file which contained the copy of the letter, of the 25th of August, was not in his possession, but he had access to it, while acting as secretary to General Wilkinson. He knows it, however, to have been on file, while General Wilkinson had command of district No. 9. After which time, he was not with him. But the letter, of the 25th of August, was copied by the witness, in the letter book, at Sackett's Harbour. The witness also stated, that he does not think he ever

saw the original, or a copy of the order, to the quarter-master general for forage, which General Wilkinson expressed solicitude to find; and all his information respecting it, has been derived from General Wilkinson: that he does not recollect the particular day, he called upon General Swartwout, at Plattsburgh; it was in the morning, after breakfast; but it was a circumstance so trivial, he cannot recollect much about it.

Testimony of Matthew Irwin, assistant commissary of purchases.

MATTHEW IRWIN, assistant commissary general of purchases, was sworn, and examined, as a witness for the defence, as follows:

1*st Q.*—Did you receive from the late secretary of war, in Oct. 1813, at Sackett's Harbour, an order for shipping clothing for the troops? At what time was it given, and to whom were you directed to consign it?

A.—I did. It was given on the 18th or 19th of October; and was directed to consign the articles to Major Brown.

2*d Q.*—Did you receive a requisition from Doctor Ross, for blankets and clothing, for the use of the hospital at Sackett's Harbour? Did you apply to the secretary of war, on this subject, and what followed?

A.—I received such a requisition; presented it to the secretary of war, to ask him, whether it would be sufficient, without being countersigned by the commanding general; and whether it was not too large. The secretary observed, it was sufficient without being countersigned, by the commanding general; but instead of fifteen hundred blankets, I should issue one thousand.

3*d Q.*—Do you know whether any clothing, provisions, or quarter-masters' stores, were left on Grenadier Island, when the army decamped from that place? And can you say what was the quantity?

A.—I received a quantity of clothing, which I understood had been left there; and of which I have an account. I saw some provisions in bulk, say fifty or sixty casks and boxes, which were returned from Grenadier

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Island to the Harbour, and delivered to the assistant deputy quarter-master general, Captain Burr. They were returned after the army left the island.

Being cross-examined on the part of the prosecution, he testified, that the clothing was returned under the direction of a navy officer. He was not acquainted with the fact, of their being left behind, on account of deficiency of transport. It was so surmised. He does not know, whether they were left under any person's care; nor by whose order they were sent back. He further stated, that he received orders from General Wilkinson, to supply clothing to the troops, at Grenadier Island, at different times, from the 23d to the 30th of October. It took this time to complete the several orders. He thinks, he sent nearly all which was demanded, directed to the quarter-master general.

CHAPTER VII.

Testimony of Lieutenant-colonel JOSEPH G. TOTTEN.—*His Diary of the weather, from the 7th to the 20th October.—Accompanies General Swift to reconnoitre Prescott.—Accompanies General Wilkinson to Rouse's point, in March,* 1814.—*General Wilkinson's intention of fortifying it.—Receives intelligence of the enemy reinforcing La Cole Mill, and Isle aux Noix.—Informs General Wilkinson thereof.—Council of war at Champlain, 29th of March.—Army advances into Canada, to meet the enemy.—Skirmish near Odeltown.—Witness, and Colonel Cummings, adjutant-general, of opinion a* 12 *pounder competent, to make a practicable breach in La Cole Mill.—Positions for artillery, selected by Major M'Pherson, and witness.—Impracticable to heat shot seasonably.—Orderly retreat tending to inspire officers and men with confidence.—Thaw continues, and the Sorel opens above Rouse's point.—A single* 18 *pounder would not have made a practicable breach in La Cole Mill.—Opinion of Colonel Clark, previous to the attack.—Description of the circumjacent ground.—Return of ordnance carried with the expedition.—Minutes of the council of war.—General Wilkinson much exposed to the enemy's fire, always cool and deliberate.—Advisable to land men and ammunition, to save risk in passing Prescott.—Difficulty of setting fire to La Cole Mill.—Advisable to wait for cover of night to pass Prescott.—Objects of the movement from Plattsburgh, not particularly against La Cole.—Testimony of Brigadier-general* DANIEL BISSELL.—*General Wilkinson's disregard of his person in action.—Witness remonstrates on the miserable state of the transports.—General Wilkinson forwards the expedition by every exertion in his power.—Proves General Wilkinson's sobriety on the 6th.—No unnecessary delay at the White House.—Heard*

firing on the 10th.—Supposed to be General Brown engaged.—Lands on an island, at the foot of the rapid, and finds traces of an enemy there.—Enemy from the local advantages of the island, might have greatly annoyed the flotilla.—Enemy retreats on hearing of the advance of our troops on the British side.—Movement into Canada concurred in by the principal officers.—Attack on La Cole Mill, decided on, in a council of war.—Enemy makes two sorties.—No opening for sending a flag.—Orderly retreat.—Council of war decides to detach a force to cover Burlington, and for the main body to fall back on Chazee and Plattsburgh.—Testimony of Major JAMES REES.—*Resignation of Quarter-master-general Swartwout.—He re-assumes his duties, under authority of a letter from the secretary of war.—Thaw renders it impracticable to transport ordnance to Rouse's point.—Testimony of Colonel* M'FEELY, *25th infantry.—Good order of retreat from La Cole Mill.—Confidence of officers and men in General Wilkinson unimpaired.—Testimony of Colonel* DANIEL BREARLY, *15th infantry.—Never heard General Wilkinson use language, countenancing waste of public stores.—That he was not intoxicated on the 6th.—Fourteen boats assigned to the witness's regiment, and eight were lost the first night, the boats were unsafe, when they started.*

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Testimony of brevet Lieut. Col. Jos. G. Totten.

JOSEPH G. TOTTEN, brevet Lieutenant-Colonel of engineers, being sworn, as a witness for the defence, was examined, as follows:

1st Q.—Were you at Sackett's Harbour, in October, 1813, and in what capacity?

A.—I was, as assistant engineer.

2d Q.—What was the state of the weather at that place, from the 7th of October to the 20th of the same month?

Diary of the weather from the 7th of Oct. to 20th.

A.—It was generally tempestuous, and I kept the following particular diary of it. 1813, October 4th, arrived at Sackett's Harbour, with General Wilkinson. 6th.

Commodore Chauncey came in with some prisoners. 7th, Wind blows hard from the west. 15th, The wind has continued, till to-day blowing violently—rain. 16th, Rain in the morning. In the afternoon, about forty boats pushed off, for Grenadier Island. 17th, South-east wind increased to a gale, at 2 o'clock, P. M. Continued thus, till 4 P. M. Rain. Wind changed, suddenly, to the west, and blowed a gale. Fleet came in at night. 18th, Fleet sailed early. Wind south-east, and light. At 2 P. M., wind changed to west, and blows violently. Many of our boats have returned. Some have been destroyed. Our troops have attempted the passage, with every appearance of favourable weather. Those promises, hitherto have proved delusive. 19th, Wind in the morning, light. Afternoon, strong from the west. Our troops have improved the favour of the morning, and most of them have arrived at Grenadier Island. 20th, Wind this morning south-east, and light. Leave Sackett's Harbour. 24th, Arrived at Ogdensburgh.

3d Q.—Did you not accompany General Swift, the chief engineer, from Sackett's Harbour to Ogdensburgh, about the time the expedition sailed, from the former place? And on what duties were you engaged there?

A.—I did. We left Sackett's Harbour on the 20th. The object, as I was instructed, by General Swift, was to examine Prescott; obtain the best plan of it; measure the width of the river, at that place; determine the nature and strength of the currents; the position of the shoals in the neighbourhood; and generally to find the best landing places, and procure pilots for the rapids, with a view to the flotilla's passing Prescott.

4th Q.—Did you not accompany, General Wilkinson, in the month of March, 1814, to Rouse's point, at the head of the Sorrel river, on Lake Champlain, and reconnoitre that spot? And did you not understand an officer of the enemy, was there soon after, and declared General Wilkinson's visit, was with a view to fortify that place?

A.—I did, on the 4th of March; and afterwards un-

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derstood, that an officer of the enemy had been there, and made the remark above stated.

5th Q.—Did not, General Wilkinson, in the same month, send you to examine the same spot, with an eye to the establishment of a post there, to command the pass into Lake Champlain? And did you not furnish a sketch of the site? And was it not of your opinion, that a heavy battery, or batteries, established at that spot, would have commanded the river, and blockaded the British flotilla?

A.—I answer to this, affirmatively.

General Wilkinson's intention to take possession of Rouse's point.

6th Q.—Did you not understand, it was General Wilkinson's intention, to take possession of Rouse's point.

A.—Yes.

Enemy reinforces La Cole Mill, and Isle aux Noix.

7th Q.—Were not, General Wilkinson's, secret intelligencers made known to you; and did you not receive information from them, that the enemy had, after, General Wilkinson, reconnoitred Rouse's point, reinforced La Cole Mill, its vicinity, and also the Isle aux Noix? And what is the distance, from the last place to La Cole Mill?

A.—Two of his secret intelligencers were made known to me, and I received such information. The distance from the Isle aux Noix, to La Cole Mill, is about seven miles.

8th Q.—Have you any recollection of the force of the enemy, said to be assembled in that quarter at the time? And did you not give that information, to General Wilkinson? Do you remember the date, and was not the ice, in the lake, strong at that period?

A.—I sent General Wilkinson the following memorandum:

Memorandum of enemy's force, transmitted to General Wilkinson.

March 27th.—At La Cole Mill, 13th regiment and two companies incorporated militia, 600 men. At Isle aux Noix, one battalion royal marines, 550; 49th regiment, 400; voltigeurs, 400; Demeuron, 600.---In all 2,550. I am doubtful as to the correctness of the date, but it could not have varied more than a day. The ice was then strong.

9*th Q.*—Do you recollect, when the troops were assembled at Champlain? And did not an unexpected, and, from the information of the oldest inhabitants, a most uncommon thaw, commence at the same time?

A.—They assembled on the 28th and 29th. The thaw, from the conversation of the people, was unusually early.

10*th Q.*—Did not the division of the troops, under Major-general Wilkinson, enter Canada, with the approbation of the general officers, commanding officers of corps, and chiefs of departments, to meet the enemy, should he advance? or to attack the post, at La Cole, should circumstances recommend it?

A.—It did.

11*th Q.*—What was the disposition, and movement of the corps? Did not the enemy attack our advance guard, in the vicinity of Odeltown; and was he not repulsed?

A.—I do not remember the disposition of the corps; but it is my impression, that it was agreeable to the orders prescribed. The advance corps was engaged, beyond Odeltown, and drove the enemy.

Advance corps repulses the enemy near Odeltown.

12*th Q.*—Was not the column, misled by the officer, commanding the advance guard, who pretended to a knowledge of the route? And did not this involve several hours delay?

A.—The column was misled, I know not by whom, and several hours were lost in consequence.

13*th Q.*—Was not the main road to La Cole abatied, and utterly impracticable? And was not the route, by which we approached it, a temporary narrow winding path, made for sleighs? Were we not obliged to clear the way, by a party of axe-men, for the passage of a twelve pounder?

A.—Yes.

14*th Q.*—From the opinion you had formed of La Cole Mill, founded on the information you had collected, did you not believe a practicable breach, could have been made in its walls, by a twelve pounder? And did you not give this opinion expressly, to General Wilkinson? And

Previous to the attack, the witness and Col. Cummings, ad-

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did not Colonel Cummings, the adjutant-general, give the same opinion, at the same time?

A.—Yes.

Adjutant-general, of opinion, that a practicable breach, might have been made by a 12 pounder.

15*th Q.*—Was not our advance guard attacked, on its march, to La Cole Mill? And in what order did the troops advance, and form? Was it conformably to the plan now exhibited? And was this plan furnished to the general officers, and the officers commanding corps, at Champlain, before the division marched.*

A.—Our advance guard was so attacked, on its approach to the mill. I do not know, precisely, the order of march; but my impression was, that it was conformable, to the order prescribed. The plan exhibited, is a correct copy, of the orders distributed to the officers. They formed, as nearly as the ground would admit, agreeably thereto.

16*th Q.*—Were you not near the enemy's post, at La Cole, before the battery was placed? And did you fall in with, Major M'Pherson, and converse with him? And if so, be pleased to state what was said?

Witness and Major M'Pherson, concur in opinion, as to the ground selected for the battery.

A.—I met Major M'Pherson, who I understood had preceded the principal column, to reconnoitre for a position, on which to plant his battery. He observed, he had examined the ground attentively, and that he had selected the position on which he stood. I approved of it.

17*th Q.*—Did not Major M'Pherson, long after he had opened his battery, require a $5\frac{1}{2}$ inch howitzer, to be sent to him? Did you not report that a breach would certainly be made? And when near General Wilkinson, could we not distinctly hear the stroke of the balls?

A.—Certainly.

18*th Q.*—Was not the position taken for the battery, the best that could be found, at the same distance from the house? and could it have been taken nearer, without exposing the men, openly to the fire of the enemy's small arms?

* See Appendix, No. IX.

A.—I think it was the best. It could not have been taken nearer, without so exposing the men. The distance to the mill, was about two hundred and fifty yards.

Position, about 250 yards from the mill, the best that could have been selected.

19*th Q.*—Could the house have been carried, by the assault of small arms?

A.—Not without prodigious slaughter.

20*th Q.*—What was the depth of the snow? And was it practicable, after the arrival of the troops, before the house, to heat and fire red-hot shot into it, before night fall?

A.—The snow was between a foot and eighteen inches deep. I think it was not practicable.

Thinks it was not practicable, to heat shot before night-fall.

21*st Q.*—Could the troops have kept their position during the night, without laying down in the snow, and being exposed to the rain which fell?

A.—They must have laid in the snow, and been exposed to the rain, which fell in torrents.

22*d Q.*—Did the troops remain inactive, or were the men uselessly exposed, before the enemy at La Cole?

A.—After forming the troops, about the mill, they were stationary, except some detachments which were made; one particularly, under Colonel Miller, from General Bissell's brigade. They were, at no time, uselessly exposed.

Troops not uselessly exposed.

23*d Q.*—After the countenance shewn by the enemy, and the manner he had received us at all points, in the course of the day, would it have been military to demand a surrender, before we had made a breach? Or, situated as he was, do you think he would have received a flag?

A.—Flags probably are sometimes sent under such circumstances; but it was my opinion, that he would not at the time, have received a flag, with the advantage he possessed.

24*th Q.*—Were the troops withdrawn from the post of La Cole, under cover of the night, in a disgraceful and hasty manner; and were the feelings, of General Wilkinson's, subordinate officers, thereby deeply wounded; the martial spirit of the soldiers destroyed; and the army exposed to mortification and disgrace?

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Troops withdrawn, in a regular and military manner—the affair tended to inspire men and officers with confidence.

A.—The troops were widthrawn before night-fall, and in a manner perfectly regular and military. I can only judge of the feelings of, General Wilkinson's, subordinate officers, from my own, which were such, as must result from disappointment, under any circumstances. The affair of the day, would rather inspirit the officers and soldiers, as it would inspire them with confidence in themselves.

25th Q.—Will you describe the time, circumstances, and manner, in which the retrograde movement from before La Cole mill, was made; and the apparent effects, which the affair produced, on the minds of officers and men?

A.—I was directed by General Wilkinson, to bring up a part of the reserve, under Colonel M'Feely, and place it in a position he pointed out, to cover the retreat. During this movement, the troops which had crossed the river, returned, and with part of General Bissell's brigade on this side, countermarched past Colonel M'Feely's regiment; then followed General Smith's brigade, afterwards the reserve.

26th Q.—Was not the route to La Cole mill, inundated the next day, and rendered difficult to the passage of foot-men?

A.—I did not see it; but, from information, believe it was almost impassable.

Thaw continues, and the Sorel opens above Rouse's Point.

27th Q.—Did not the thaw continue? Were not the roads rendered almost impassable; and was not the Sorel open above Rouse's Point, before the troops left Champlain?

A.—Yes.

28th Q.—Was not a portion of the enemy's flotilla, then ready to enter the lake? And did not those circumstances, render the establishment of a post, at Rouse's Point, impracticable at that period?

A.—Those circumstances, with the badness of the roads, the impossibility of getting up cannon from the south, and the few we had with us, rendered it inexpedient.

29*th Q.*—From the information you now possess, do you believe, a single eighteen pounder, could have made a practicable breach in the wall, of La Cole mill, while the troops lay before it, on the 30th of March?

A single 18 pounder, would not have made a practicable breach.

A.—Under the circumstances it could not.

30*th Q.*—On what circumstances, did you ground your opinion, of the strength and thickness of the walls, of La Cole mill, anterior to the attack of the place?

A.—From information, collected from the people in the neighbourhood, who knew, or pretended to know, every thing about it.

31*st Q.*—Did you not hear, Colonel Isaac Clark, declare, previous to the attack of the place, that he would knock down, or demolish the mill, with a six pounder?

A.—I did, several days before the attack; his language conveyed that meaning.

32*d Q.*—From the disposition of the enemy's pickets, and the nature of the circumjacent ground, was it practicable to reconnoitre the post of La Cole, before his outposts and guards were driven in?

A.—It was not.

33*d Q.*—What is the nature of the ground, and how much cleared land is there, immediately, round La Cole mill?

Description of the ground round La Cole mill.

A.—The ground, for the distance of two hundred yards, north and south, and above the mill, descends gradually to the mill. The banks of the river, above this, are abrupt. The breadth of the clearing, is about one hundred yards, on the north side; from one hundred and fifty, to two hundred, on the south side; and a narrow strip of cleared land, on the north side of the river, from the mill to its mouth. The woods adjacent, are of small growth, shrubbery and small saplings, but very thick and compact.

Question by the Court.

Question by the court.

Q.—How many pieces of artillery, were carried with the expedition? And what is the height of the mill?

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Account of ordnance, carried with the expedition.

A.—An eighteen, two twelve pounders, and one five and a half inch howitzer. The height of the mill is differently represented, from three to four stories; probable three on one side, and four on the other.

The court adjourned to the 24th February, 1815, 10 o'clock, A. M.

Troy, February 24th, 1815.

The court convened pursuant to adjournment.

The examination of Lieutenant-colonel Totten, was resumed, as follows:

34*th Q.*—Does not the paper, now presented to you, contain the original minutes of a council of war, holden at Champlain, on the 29th of March, 1814? and is not the sketch of the country, thereunto attached, also the original proposed to the council that day?*

Minutes of the council of war.

A.—These are the original minutes, and also the plan presented to the council.

35*th Q.*—You say, you conversed with some officers, respecting the sending of a flag to the enemy, on the 30th of March, 1814. Can you state any particulars?

Reasons why the witness believed, a flag of truce would not be received by the enemy.

A.—The only person, I distinctly recollect conversing with, was Major Lomax. Our impression was, that from the importance of such an advanced post, to the enemy, and the advantages they possessed, the commandant would not suffer a flag to approach; and that the person carrying it, would most probably be killed; inasmuch as he could have no intention to surrender, and would not permit his position to be reconnoitred, which might have been the case, had he admitted a flag.

36*th Q.*—Did you see, General Wilkinson, under the fire of the enemy, on the 30th of March, 1814? And was he not cool and self-possessed? State circumstances, if you recollect any?

* See Appendix, No. X.

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A.—I saw General Wilkinson, several times, in the rear of a piece, at which the principal fire of the enemy was directed. At other times, I saw him partially exposed, but always cool and deliberate. He was more than once urged to retire, from his exposed situation, by the gentlemen about him.

General Wilkinson much exposed to enemy's fire.

Lieutenant-colonel Totten was then cross-examined, by the judge advocate, as follows:

Cross-examination.

1*st Q.*—Considering the width of the river, opposite Prescott, the rapidity* of its current, and the facility of passing in the night, was it indispensable, or even judicious, to land the ammunition, and despatch the troops along shore?

A.—It was considered by General Swift and myself, that the enemy would be prepared for the flotilla, and that the ammunition vessel would be endangered by their hot shot. We also were of opinion, that it would be advisable to land the troops.

2*d Q.*—Would not the additional risk of passing Prescott, in the flotilla, be more than counterbalanced by a day's delay, at such an advanced season, by the more matured preparations of the enemy for offensive measures, and the opportunity it gave them, of collecting their militia and regulars, overtaking the flotilla, and annoying our rear?

A.—It was not presumed, that more than one night would be necessary, to land the troops and powder, and to effect the passage, as General Swift had provided transportation for the latter. I should certainly deem it an advisable measure, not to have exposed the troops and ammunition, as the works at Prescott, were constructed, solely with a view, to prevent the passage of an enemy; and I cannot account for the little injury we sustained.

Thinks it was advisable, to land men and ammunition.

3*d Q.*—If the troops alone had been landed, without other articles, what time would the debarkation have necessarily consumed? Would not this have been sufficient for the purposes of security?

* This "*rapid current*" moves about a mile an hour.

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A.—Two or three hours; four at most, would have been sufficient.

4*th* Q.—What was our effective force at La Cole?

A.—I only know by the statement, made in the council of war, before recorded.

5*th* Q.—By whose agency, was our advance guard misled; and what time was lost in consequence of it?

A.—One or two brigades of the army, and almost all the artillery, were misled. I do not know who was the cause of it, and should suppose, that three hours were lost in consequence of it.

6*th* Q.—At what time of day, did we arrive before the mill? And what period elapsed, before the 12 pounder opened its fire?

A.—I cannot state, with any correctness, the time we arrived: it might have been three quarters of an hour, before the battery was planted: the second 12 pounder, for some cause or other, probably the narrowness and crookedness of the road, could not be brought into action?

7*th* Q.—Was there any snow on the roof of the mill; and would it have been practicable to have set fire to it, with red-hot shot?

Difficulty of setting fire to the roof of La Cole mill.

A.—I presume, from the thaw, there was no snow on the mill; but do not remember distinctly. It would have been difficult, if not impracticable, to have lodged a shot in the roof, if it was like ordinary roofs, with a single board and shingles.

8*th* Q.—Were there any sorties from the mill, and did they not present a favourable moment, for *running* in upon the enemy, and carry the work?*

A.—There were two, I think; and during these, a fire was kept up from the mill, until their troops nearly closed with ours. The assault, from this circumstance, could, in my opinion, scarcely have been more practicable than before. The strongest sortie might have consisted of two companies, or two and a half.

* The zeal of the judge advocate is always manifest; it was a substitute for capacity.

9*th* Q.—Was any attempt made to storm the mill, or cut off the retreat of the detachment which sallied out?

A.—There was no attempt made to storm the mill, and none, I believe, to cut off the retreat.

10*th* Q.—You say, that after our infantry were posted, they continued stationary. How long did they so continue, and what purposes did they answer, while in this situation?

A.—I cannot state the time, but it was from their arrival, to the period of their retreat; the intention of keeping the troops about the mill, was to assault it, in case a breach had been made, and cut off the enemy's retreat.

11*th* Q.—Were the troops then exposed, to the fire of the enemy's artillery and musketry; or could their small arms be of use, except in cases of sortie?

Enemy fired no artillery, but from the gun boats, and that fire was harmless.

A.—The enemy fired no artillery, except from their gun boats, which opened a useless fire, fifty or one hundred feet above our heads; they were a little exposed to the musketry, and some men were killed in the neighbourhood of the artillery; their small arms, could have been of very little service, except in case of a sortie.

12*th* Q.—Was not the mill so surrounded by our troops, as to cut off all communication, with the adjacent country?

A.—I think it was. There might possibly have been a communication along the river.

13*th* Q.—Did the fire of the enemy, at any time, slacken; and what appeared to you to be the cause?

A.—I do not remember, there was any remarkable cessation.

14*th* Q.—According to your information, what was the thickness of the walls, the number of doors, on the side our approaches were made; the situation of the windows, and the possibility of effecting a breach, through the latter, by means of artillery?

A.—My information, as to the thickness of the walls, was, that, like in ordinary stone buildings, it was eighteen inches, or two feet, thick. I never could learn there was more than one door, and always understood, there

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were very few windows, and these were small; their position, I could not determine.

15*th Q.*—Had arrangements for the purpose been made, preparatory to our march on the 30th, what time would it then have taken, to have constructed a furnace for red-hot shot?

A.—The only regular furnace that can be constructed, requires one, or two days; shot, however, may be heated with dry wood, on dry ground, in three quarters of an hour: but no dry wood, or proper materials, could be procured at La Cole.

16*th Q.*—Do you know the force of the enemy, who first attacked our advance, on their march to La Cole?

A.—I do not.

17*th Q.*—You say, a single eighteen pounder, would not have effected a breach. Was the eighteen pounder brought up, within point blank distance, and the experiment tried?

A.—It was not brought, within less than three miles of the mill.

18*th Q.*—What was our loss in killed, wounded, &c. in this affair; and were any of them left on the ground, when the army retired?

A.—The loss I do not distinctly recollect; but none of our killed or wounded, were left on the ground, nor any thing belonging to the army.

19*th Q.*—Were oxen used to drag the artillery, and would they not have been better adapted, to this purpose, than draft horses?

A.—I believe not. They are not better than draft horses.

20*th Q.*—Had we not artillery sufficient, with the army at Plattsburgh, to have taken the requisite number of pieces, for battering down the mill, and oxen or draft horses to draw them?

A.—We had, if they could have been covered by a parapet.

21*st Q.*—Had the troops their tents in this expedition, or any thing to shelter them from the weather?

A.—I think they had not, generally.

22*d* Q.—Under all the circumstances, did you consider the relinquishment of the enterprise, and the retrograde movement of the army, the most eligible and judicious measure, that could have been adopted?

Considered the relinquishment of the measure, judicious.

A.—Under all the circumstances, I did.

Question by the Court.

Q.—What length of time, did the fire of our twelve pounder, continue against the mill; and did any of the shot pass through the mill?

A.—I think about an hour. I was informed by deserters, that one twelve pound shot passed through the wall, near the chimney, where it was weakest.

Additional questions by General Wilkinson.

1*st* Q.—The troops not having reached the neighbourhood of Prescott, before midnight of the 5th, had you or General Swift, an opportunity to communicate to General Wilkinson, the result of your observations on that fortification, and the best mode of passing it, before the morning of the 6th of November?

A.—General Swift left me for the purpose, of seeing General Wilkinson, the night the troops arrived; but I know not, whether they met. There probably was not sufficient time to have landed the troops, that night, and marched past.

2*d* Q.—Do you think it would have been most advisable, to pass Prescott in open day light, with the flotilla; or to have waited one day, for the advantage of the cover of night?

A.—It was certainly advisable, to wait for the cover of the night.

Thinks it was advisable, to wait for the cover of night, to pass Prescott.

3*d* Q.—Were not the sorties from the mill, unexpected, sudden, and rapid; and the retreat of the parties employed, almost instantaneous? And was not the ground, such as to conceal the approach of the enemy, until he had nearly closed with our line?

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A.—The sorties were unexpected; their retreat sudden, as they stood only one or two fires; the ground was as represented.

4*th* Q.—Was not the position of the infantry near La Cole, indispensable, to protect our battery, and to prevent the enemy's escape, if he should attempt to retreat?

Position of the infantry, necessary to the preservation of the artillery.

A.—Judging from the force of the enemy's charges, it was certainly prudent, that a large force, should be in the neighbourhood of the artillery, and nothing else saved them. It was also necessary, to prevent their escape.

5*th* Q.—Was not the enemy reinforced, by land, from the Isle aux Noix, during our attack on La Cole mill?

A.—I do not know positively. It was believed there were reinforcements from the Isle aux Noix. The troops which were encountered in the morning, I have every reason to believe, also entered the mill.

6*th* Q.—Did you not find some difficulty, in building furnaces, for heating shot, at Plattsburgh, after our return?

A.—I found difficulty, for want of materials.

7*th* Q.—Was the eighteen pounder carried forward, from the cleared land near Smith's?

A.—I was so informed.

8*th* Q.—Have you any idea, that the great object of the movement of the troops, from Plattsburgh, was to attack La Cole alone?

A.—No.

Testimony of Brigadier-general Bissell.

DANIEL BISSELL, Brigadier-general in the United States army, and a member of the court, was sworn, as a witness for the defence, and examined as follows:

1*st* Q.—How long have you served, in a military capacity, with General Wilkinson?

A.—Twenty years.

2*d* Q.—Have you always found him vigilant, industrious, and attentive, to every branch of the public service, confided to him?

A.—I have, unremittingly so, as far as came to my knowledge.

3*d* Q.—Did he not maintain a uniform system, of subordination and discipline; giving to rank its due, and securing to the youngest subaltern his right?

A.—He did.

4*th* Q.—Was he attentive to the police, the manners, habits, appearance, health, and comfort, of the soldiery? *And did he not always discourage drunkenness and debauchery?*

A.—ALWAYS.

5*th* Q.—Did he not always appear zealously attached, to the honour of the army, and devoted to the service of his country?

A.—I thought so.

6*th* Q.—When the service required it, did he spare himself from subaltern duties?

A.—When occasion required, he performed subordinate duties.

7*th* Q.—Have you seen General Wilkinson in action, and if so, will you say, whether he appeared flustered or alarmed? or, cool, self-possessed, and regardless of his person?

A.—I have seen General Wilkinson in action. He appeared self-possessed, and regardless of his person: so much so, that in two instances, I begged him, through his staff, to retire, as he exposed himself unnecessarily.

General Wilkinson's disregard of his person in action.

8*th* Q.—Was you at Fort George, in 1813, when General Wilkinson arrived there, and what was your rank?

A.—I was there: Colonel of the 5th regiment of infantry.

9*th* Q.—What was the state of the transports, for embarking the troops, at that place, when General Wilkinson arrived there?

A.—It was miserable. The boats were much out of repair, and repairs made after he arrived. As late as the 25th September, they were in such bad order, I remonstrated on the subject, in a letter to General Wilkin-

Witness remonstrates on the miserable state of the

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son. I had to prepare, both the boats and oars, by the assistance of the men of my regiment, and materials for this, were, with much difficulty, procured.

transports, on the 25th Sept.

10*th* Q.—Was not every exertion, afterwards, made to equip the boats found there? And was there a day's unnecessary delay, in embarking the troops, for Henderson's Bay, after the transport was in readiness, and the wind served?

A.—Every exertion was made; and I know of no unnecessary delay.

11*th* Q.—Was you not several days encamped, with your corps, on the beach opposite the boats, and what prevented your embarkation?

A.—I was encamped, from about the 25th to the 28th; when the enemy's fleet was not in sight, the winds prevented our embarking.

12*th* Q.—Did you not embark on the 28th September, proceed down the lake a few miles? And were you not recalled by General Wilkinson, the same day? And do you know wherefore?

A.—I did embark, proceeded some distance, and was recalled, in consequence of an expected attack. But we could not have gone much further, the wind was nearly a-head, then, and it was already between 4 and 5 o'clock, in the afternoon.

13*th* Q.—Did this recal, delay your arrival, at Henderson's Bay? and if so, how long did it delay you?

A.—I think not.

14*th* Q.—Did not General Wilkinson hasten the movement of the troops, from Fort George to Henderson's Bay, by every exertion in his power? And do you believe a single hour was lost, by any neglect on his part?

General Wilkinson hastens the expedition, by every exertion in his power.

A.—I think he did every thing in his power, to expedite the movement of the troops.

15*th* Q.—At what time, did you sail from Fort George, and when arrive at Henderson's Bay? Be pleased to describe the incidents which occurred, and the weather which attended your voyage?

A.—We sailed on, or about the 1st of October. Ar-

rived at Six Town point, forming Henderson's Bay, on the 9th. During the voyage, the weather was tempestuous, with very few hours intermission.

16*th Q.*—At what time did you sail from Henderson's Bay, for Grenadier Island? And when did you arrive at the latter place? And was there an hour's unnecessary delay, at Henderson's Bay?

A.—I sailed on the 16th. Arrived on the 17th. In the passage, a storm drove me on Fox Island. I thought every exertion was made, at Henderson's Bay, and there was no unnecessary delay.

17*th Q.*—Was there any unnecessary delay, at Grenadier Island? And when did you reach French Creek?

A.—I thought not. I left Grenadier Island the 28th of October, and about the 30th, reached French Creek.

18*th Q.*—Was there any unnecessary delay, at French Creek? And was the movement of the army, from that place down the St. Lawrence, in military order, and under the direction of the necessary signals?

A.—I know of no unnecessary delay. Every exertion appeared to have been made; and the expedition moved in very handsome order, with all the necessary signals. Considerable confusion occurred at night. It was after 12 o'clock at night, before I arrived, and got my boats together. We had previously landed above. Some of the men were much fatigued, and had rowed hard during the day.

19*th Q.*—Would it have been either safe, or convenient after the labours of the day, for the flotilla to have passed Prescott, the same night it came to, above that place?

A.—I think it would have been very hazardous.

20*th Q.*—Did you make any observation on the movement of the army, by Prescott, on the night of the 6th of November? And was it made in military order, or otherwise?

A.—I went by land, and had charge of eight wagons, loaded with ammunition.

21*st Q.*—Did you see General Wilkinson, on the even-

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ing of the 6th of November, or morning of the 7th? And if so, did he appear to be intoxicated?

General Wilkinson perfectly sober on the afternoon of the 6th Nov.

A.—I received my orders from General Wilkinson, about 4 o'clock, or between 4 and 5, in the afternoon. He was perfectly sober then. I did not see him again until the 8th.

22d Q.—Did you not, on the 8th November, observe armed bodies of the enemy, on the left bank of the St. Lawrence?

A.—Two or three miles above the White House, I saw one hundred, or one hundred and fifty, on the Canada side, marching up the river.

23d Q.—When did you arrive at the White House, opposite Fort Matilda?

A.—In the forenoon of the 8th.

24th Q.—Were not the cavalry crossed to the Canada shore, at that place, in the artillery scows? And did you see any place on the St. Lawrence, where they could have been crossed, with equal safety and expedition?

A.—They were, and I saw no better place, on the St. Lawrence.

25th Q.—Was there any unnecessary delay, at the White House?

No unnecessary delay at the White House.

A.—I thought not.

26th Q.—Was there not a firing heard, between the enemy and our troops, on the evening of the 8th, and morning of the 9th?

A.—Yes.

27th Q.—Did you hear General Brown engaged with the enemy, on the 10th of November? And were you not ordered the same day, to proceed down the Long Saut, with your regiment, and a detachment of artillery, to dislodge a body of the enemy, said to be posted on an island, near the foot of that rapid, for the purpose of annoying us in our descent?

Heard a firing on the 10th,

A.—I heard a firing; and was informed, that General Brown's command was engaged with the enemy. I, the

same day, received such orders; but was unavoidably detained, until the morning of the 11th. CHAP. VII.

28th Q.—Did you not land on that island? And did you not discover marks of an enemy, having recently been posted on it? and supposed General Brown engaged.

A.—I landed on that island, in the morning of the 11th, with three hundred men, and four gun boats, commanded by Captain Crane; reconnoitred it, and from fires, breast works of logs, abbatis, blinds and trails, discovered that an enemy had been posted there. A man on the American shore, corroborated this information.

29th Q.—Will you describe to the court, the locality of that island, and the position taken by the enemy? And if they had kept their ground, would it not have cost some blood, to dislodge them?

A.—The banks are high. There are few places on the American side, where troops can get up. The most practicable place of landing was abbatied. The island was four or five miles long, with few landing places, owing to the rapids. An enemy at the foot of the rapids, might have annoyed the flotilla very much, without being exposed. An enemy, from the local advantages of the island, might have greatly annoyed the flotilla.

30th Q.—Would not the situation of that island enable a body of men, with small arms and artillery, to command the passage of the Saut? or greatly to injure, whatever might attempt to pass?

A.—They might.

31st Q.—What caused the enemy, who had occupied this island, to abandon it?

A.—I was informed by some females, on the island, that the enemy had retreated, on hearing of the advance of our troops, on the British side. It was said, they had a swivel with them. Enemy retreated, on hearing of the advance of our troops on the British side.

32d Q.—Will you be pleased to describe the navigation of the Long Saut; as to the danger of descending it, and the practicability of ascending it, with sails and oars. Is there not a passage for boats, on both sides of the island, on which the enemy were posted?

A.—I considered it dangerous, for the kind of craft I

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had, and took the precaution, to order my boats to keep thirty yards apart; but, notwithstanding, three boats got together, and one had like to have sunk. My own boat was partly filled. There is a passage on the other side, used since the war, but much more difficult, than the one on the American shore.

33*d Q.*—Did you not accompany General Wilkinson, into Canada, at the head of your brigade, on the 30th of March, 1814?

A.—I did.

Movement into Canada, on the 30th March, 1814, concurred in, by principal officers.

34*th Q.*—Was not that movement made on a presumption, that between, two or three thousand of the enemy, had advanced towards the national boundary; and was it not made with the approbation, of the general and field officers, the officers commanding, consolidated corps and regiments, and the chiefs of departments?

A.—Yes.

Attack of La Cole Mill, decided on in a council of war.

35*th Q.*—Was it not the general expectation, that the enemy would meet us in force; and in case he did not, was it not the opinion of the council of war, that we should attempt to reduce his post, at La Cole mill?

A.—It was.

36*th Q.*—Did not the enemy meet our advance guards near Odletown? Was he not repulsed? And did he not afterwards renew the attack, on your brigade, in such force and appearance, as to induce you to form your line?

A.—Yes. I had one officer and twelve men, killed and wounded, in my brigade.

37*th Q.*—Did you not, afterwards, countermarch your column, and fall into the path to La Cole mill, and advance to the attack of the enemy, at that place?

A.—I returned, and proceeded to La Cole.

38*th Q.*—Was not the movement to that post, and the formation of the troops there, made in strict military order?

A.—So far as I am competent to judge.

39*th Q.*—Did not the enemy make two sorties from the mill; and was not a desperate effort made, in one of them,

to carry our battery; and would he not have succeeded, if the battery had not been covered, by our infantry?

The enemy made two desperate sorties.

A.—There were two desperate sorties made, in which the artillery was left without a man; the piece was regained by the infantry, and the enemy repulsed: men were supplied from my brigade, to work the gun.

40*th Q.*—Were the troops unnecessarily exposed, that day; and, from the conduct of the enemy, would it have been advisable, to demand his surrender, by a flag?

Troops were not unnecessarily exposed—no justification for sending a flag.

A.—They were not unnecessarily exposed. Under the circumstances, I now think, it would have been the height of imprudence, to have sent a flag, and very hazardous to the one who carried it.

41*st Q.*—What was the depth of snow; and was there not a great and sudden thaw that day?

A.—The snow was from six to eighteen inches deep, according to situations. In the afternoon and all day, it thawed very considerably. Early in the evening it rained, and continued incessantly, all night, and the greater part of the ensuing day.

42*d Q.*—Could the troops have kept their position, before La Cole Mill, the ensuing night, without laying down in the snow?

A.—It would have been extremely disagreeable, to have kept it, as they would have been obliged to lay down in the snow and wet.

43*d Q.*—Were the troops withdrawn, from before the enemy's works, at La Cole, under cover of the night, in a hasty or disgraceful manner? And was any thing left on the ground?

A.—They were not; they moved in a regular manner, before night; nothing was left on the ground; not a single article, from a knapsack to a broken canteen.

44*th Q.*—Was the order, in which the troops retired, such as to affect the martial spirit of the soldiers, or wound the feelings of the officers; and were not the operations of the day, calculated to produce a different impression?

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A.—It was not. So far as depends upon method, regularity, and military spirit, it was calculated to produce a different impression.

Retrograde of troops, so orderly, as to make the most favourable impression on the mind of the troops.

45*th Q.*—Did not the rain and thaw continue the next morning, and were not numbers of the troops, exposed to the open air? Had not the roads become very deep; and, under these impressions, was it not deemed advisable, on a consultation of the general officers, to lead back the troops, to Champlain, and its vicinity for quarters?

A.—Yes.

46*th Q.*—Was it not reported and believed at this time, that a considerable portion of the enemy's flotilla was ready for service? And did not a continued thaw, threaten the breaking up of the ice in the lake?

A.—I heard, from different persons, that the flotilla was ready to sail. The thaw threatened to break up the ice; and on the 8th of April, when I arrived at Plattsburgh, it had broken up.

Decided by a council, to cover Burlington, and fall back on Chazee and Plattsburgh.

47*th Q.*—In this situation of things, our own flotilla being still unequipped, was it not decided, in a council of the general officers, to send off General Macomb, with a detachment to cover our depot at Burlington, and to fall back, with the rest of the troops, to Chazee, and Plattsburgh, to give security to our magazines at the latter place?

A.—Yes.

48*th Q.*—Had not the swell of the water, produced by the thaw, carried off several bridges on the road, between Champlain and Plattsburgh; and was there not great difficulty, in moving back the artillery?

A.—I did not take that road, in consequence of information to that effect; and the road I took, was almost impassable, even for a light wagon.

49*th Q.*—Could the enemy have been cut off from the mill, when they sortied, considering the suddenness of his advance, and the rapidity of his retreat?

A.—I do not think it was possible. There were very few left, after the firing of my brigade.

50*th Q.*—Was there any reinforcement, during the action?

Enemy reinforced during the action.

A.—I learnt from a prisoner I examined, that there was a considerable reinforcement, with which he had come up, during the action.

The court adjourned to Saturday, the 25th of February, 1815, 10 o'clock, A. M.

Troy, February 25th, 1815.

The court convened pursuant to adjournment.

Testimony of Major James Rees.

Major JAMES REES, deputy quarter-master general, of the United States army, was sworn, as a witness for the defence, as follows:

1*st Q.*—When did you join General Wilkinson's command; in what capacity; and at what time and place?

A.—I joined the army, under command of Colonel Purdy, at Plattsburgh, the 6th of January, 1814, as assistant quarter-master general. General Wilkinson had not yet arrived there.

2*d Q.*—Do you recollect, what was the price of transport, per barrel, from Whitehall to Plattsburgh, and from Plattsburgh to French Mills?

A.—I do not.

3*d Q.*—A depot of provisions being once made; when it is removed, is it not done at the public expense, for the contractor's interest, and by the quarter-master's department?

A.—It is sometimes done by the quarter-master's department, at the expense of the United States, and sometimes, the contractors do it, and charge the United States.

4*th Q.*—Were there not three quarter-masters general in the district No. 9, and under which of them did you act, or from whom receive orders?

A.—There were two in January, 1814, and I received my orders from General Swartwout and Colonel Jen-

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kins. Previous to this, Colonel Thomas had also acted, in this district.

5th Q.—Did not Brigadier-general Swartwout, quarter-master-general, resign his commission, in the winter or spring of 1814; and was it not accepted by the secretary of war.

A.—The acceptance was announced in general orders, dated, "*Adjutant and Inspector General's Office, Washington, 1st February,* 1814;" an extract from which is in the following words:

Resignation of quarter-master general Swartwout and others.

"*The resignation, of Major-general Wade Hampton, Brigadier-generals Thomas Parker, D. R. Williams, and Quarter-master general Robert Swartwout, chief of that department, has been accepted.*"

I saw General Swartwout, the first week in September, 1814, and mentioned the fact of his resignation having been accepted, and that the general order to that effect, had been published in the encampment, at Plattsburgh, the 19th of April, 1814. He replied, it had not been accepted, *and shewed me a letter from the secretary of war, directing him to resume his duties.*

6th Q.—Can you produce the general order, issued preparatory to the attack on La Cole?

A.—Yes. It was dated at head-quarters, Champlain, 29th March, 1814.*

7th Q.—Before the troops marched from Plattsburgh, were not a large quantity of boards, sent down to Chazee, and other articles; and did you not understand, it was with a view to the establishment, of a post at Rouse's Point?

A.—Yes. About two hundred thousand feet, were sent down on the 26th, 27th, and 28th of March?

8th Q.—Was not the ice good the 28th of March, the day we left Plattsburgh.

A.—It was; we went on the ice with loaded sleighs.

* See Appendix, No. XI.

9th Q.—Did not a sudden thaw ensue; and did it not continue without intermission?

A.—It commenced about the 28th, and continued.

10th Q.—After the troops retired from Odeltown, the 31st of March, was not the ice unsafe, for single horses, and had not the roads, become such, as to make it extremely difficult, if not impracticable, to bring forward, heavy artillery, munitions of war, and the provisions and materials necessary to erect, and protect a battery, or post, at Rouse's Point, against the enemy?

A.—It would not bear teams. I cannot say, whether it was not sufficient for a single horse. The roads, owing to a thaw, were extremely difficult. The teams could not take more than half loads; and both going, and returning, we found a great quantity of water, collected on the La Cole road.

Testimony of Colonel M'Feely, 25th inf.

Colonel M'FEELY, of the 25th infantry, was sworn, as a witness, in behalf of General Wilkinson, and examined, as follows:

1st Q.—Was you with General Wilkinson, when the troops entered Canada, on the 30th of March, 1814, and in what rank?

A.—I was: with the rank of Lieutenant-colonel.

2d Q.—Was you not furnished with plans of the march, and of battle, before the troops entered Canada; and were not those plans strictly adhered to?

A.—I was furnished with a plan, and understood other commandants of battalions, were also. So far as I was capable of judging, the plan was adhered to, with the exception of the reserve, which, according to it, was to have been drawn up in one line, but was drawn up in two lines, with a view, as I supposed, of covering each other alternately, in case we were pressed.

3d Q.—Did you not bring up the rear of the troops, when they retired from La Cole Mill; and in what order did you retire?

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A.—With three regiments, part of the reserve, I covered the troops, as they retired from the battle ground. This movement, as well as all the movements of that day, was conducted in good order, and with regularity. Being with my command in the rear, I left the ground last, and saw nothing like hurry or confusion.

4th Q.—Were men, or officers, discouraged, or disheartened, by the affair at, and near La Cole?

A.—I thought not.

5th Q.—Did the conduct of General Wilkinson, on the 30th March, 1814, affect the confidence of the men or officers in him; and would they not, willingly, have fought under his orders the next day?

Confidence of officers and men, in General Wilkinson, unimpaired.

A.—So far, as I had an opportunity of knowing, they placed every confidence in General Wilkinson, and would very readily, have met the enemy in the field, the next day.

6th Q.—Did you not march, from Champlain to Burlington, the 1st or 2d of April; and did you not find the ice in such a situation, as to be obliged to seek a ferry to cross the lake?

A.—I left Champlain on the 3d; arrived at Plattsburgh on the 4th; found it impassable there, on the ice or in boats. I was ordered up to M'Neil's ferry, and there crossed in boats.

Testimony of Colonel Daniel Brearly, 15th inf.

DANIEL BREARLY, Colonel of the 15th regiment of infantry, was sworn, as a witness, in behalf of General Wilkinson, and examined, as follows:

1st Q.—Did you see a wanton waste, or destruction of provisions, on the expedition down the St. Lawrence?

A.—I saw none.

2d Q.—Did you hear, or understand, that General Wilkinson, ever made use of language, calculated to encourage, or produce such vicious conduct?

A.—Never.

3d Q.—Did you see General Wilkinson, on the morning of the 7th of November, and did he appear intoxicated?

A.—I did see, and converse with him, on the 7th, before and about day-light; he had no appearance of intoxication then; he was sitting by a fire, in the woods, hailed me, and asked where my regiment was. Considerable conversation passed; but nothing which could give me any suspicion, of his being intoxicated.

Saw General Wilkinson, and conversed with him, on the morning of the 7th—he had no appearance of intoxication.

4th Q.—As far as your observation went, what was General Wilkinson's conduct, towards men and officers?

A.—Perfectly correct, as a commanding general, according to my judgment.

Question by the Court.

Q.—How many boats were assigned to your regiment, at Fort George, and how many were lost?

A.—Fourteen were assigned; and of these, eight were lost the first night, as reported to me, by one of my officers. Many of the boats of my regiment, were unsafe, when we sailed.

CHAPTER VIII.

Testimony of Colonel JACOB KINGSBURY.—*General Wilkinson's conduct to those under his command.—His orders referred to, to shew his discouragement of drunkenness.—His coolness and self-possession in action.—Testimony of Colonel* PETER P. SCHUYLER.—*General Wilkinson's general conduct in command.—Testimony of Colonel* ROBERT C. NICHOLAS.—*General Wilkinson, represents Kingston as the object of the campaign.—General Wilkinson not intoxicated on the 6th or 7th of November.—Deposition of Major* WILLOUGHBY MORGAN.—*Transport to be collected, after General Wilkinson's arrival.—Boisterous weather at the end of September, and 1st of October.—Boats lost, on their voyage to Henderson's Bay.—Repairs of boats necessarily made there.—Detachment by land indispensably necessary.—General Brown engages the enemy, on the 10th.—General Boyd detached, to lighten the boats, previous to their entering the rapid.—Cross examination.—The deposition of* JOHN G. CAMP, *deputy quarter-master general.—State of the transport about the 5th of September.—Weather very unfavourable, with head winds.—General Wilkinson indefatigable in his attention, to every branch of the service.—Want of transport, for ordnance stores.—Zeal and exertions of General Wilkinson.—Expedition delayed in September, by the surge and head winds.—General Wilkinson's attentions to the sick.—Testimony of Captain* FREDERICK CONKLIN.—*Served with the division of the army, under General Hampton.—Objections of the judge advocate, overruled by the court.—Sufficient transport for General Hampton's army, with ten or twelve day's provision.—Teams sufficient, to have transported the army,*

20 miles, on a good road.—Cross-examination.—Includes in his estimate, the teams which attended the army, on its first arrival at Four Corners.—Additional question to General BISSELL.—*No difficulty in procuring forage, near Four Corners.—Deposition of Colonel* JAMES THOMAS.—*General Hampton orders extra-transportation to be sent to Plattsburgh.—Could, at all times, furnish transportation sufficient for General Hampton's army.—Between 6th and 8th November, provisions on hand, equal to supply the army, with bread and flour for forty-five days, and salted beef from twenty to thirty days, besides live cattle.—Transportation retained, not adequate to the removal of necessary stores, &c.—Deposition of Major* GEORGE WADSWORTH.—*Had constantly an abundant supply of provisions; after the 1st of October, a great number of beef cattle.—Cross-examination.—Correspondence with Commodore* CHAUNCEY *produced.—Testimony of Brigadier-general* MOSES PORTER.—*General Wilkinson's attention to the public interest.—His maintenance of the rights of the army.—His discouragement of drunkenness and debauchery.—Deficiency of transport at Fort George.—Knows of no unnecessary detention of the troops there.—Weather generally tempestuous, from the time the army left Fort George, until its arrival at French Mills.—No unnecessary delay, from Sackett's Harbour, to Burnhart's.—Army stores wasted, in consequence of their being embarked, without proper persons to take charge of them.—Judicious, and correct arrangement of the flotilla.—The order and regularity of the flotilla, in the passing of Prescott.—His opinion of General Wilkinson.—Voted for the attack on Montreal, on the faith of General Hampton's joining.*

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Testimony of Colonel Kingsbury, 1st inf.

JACOB KINGSBURY, Colonel of the 1st regiment of infantry, was sworn, as a witness for the defence, and examined, as follows:

1st Q.—How long have you served in a military capacity with General Wilkinson?

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A.—Twenty-five years.

2d Q.—Have you always found him vigilant, industrious, and attentive to every branch of the public service, confided to him.

A.—Always.

3d Q.—Did he not maintain a uniform system of subordination and discipline, giving to rank its due, and securing to the youngest subaltern his rights?

A.—He did.

4th Q.—Was he attentive to the police, the manners, habits, appearance, health and comfort of the soldiery; and did he always discourage, drunkenness, and, debauchery?

A.—Yes. His orders will show that.

5th Q.—Did he not always appear, zealously attached to the honour of the army, and devoted to the service of his country?

A.—Always.

6th Q.—When the service required, did he spare himself from subaltern duties?

A.—He never spared himself from necessary duties.

7th Q.—Have you seen General Wilkinson in action; and if so, will you say, whether he appeared flustered or alarmed, or cool, self-possessed, and regardless of his person?

General Wilkinson's coolness, and self-possession in action.

A.—I was in action with him, on the twentieth August, 1794, against the Indians. He appeared cool, and self-possessed; and, I thought, exposed himself more than necessary. His aid-de-camp was shot through the body, and his waiter through the neck, in that engagement.

Testimony of Colonel Peter P. Schuyler.

PETER P. SCHUYLER, Colonel of the 13th regiment of United States infantry, was sworn, as a witness in behalf of General Wilkinson, and examined, as follows:

1st Q.—How long have you served in a military capacity, with General Wilkinson?

A.—Between seventeen and eighteen years.

2d Q.—Have you always found him vigilant, industrious, and attentive to every branch of the public service, confided to him?

A.—Invariably so.

3d Q.—Did he not maintain, an uniform system of subordination and discipline; giving to rank its due, and securing to the youngest subaltern, his right? General Wilkinson's discouragement of drunkenness and debauchery.

A.—Always, as far as came within my observation.

4th Q.—Was he attentive to the police, the manners, habits, appearance, health and comfort of the soldiery; and did he not always discourage, drunkenness, and, debauchery?

A.—Always.

5th Q.—Did he not always appear, zealously attached to the honour of the army, and devoted to the service of his country?

A.—Particularly so.

6th Q.—When the service required, did he spare himself from subaltern duties?

A.—I never knew him to spare himself from any duty.

ROBERT C. NICHOLAS, Lieutenant-colonel of the 30th regiment, of United States infantry, was sworn, as a witness, for the defence, and examined, as follows: Testimony of Lieut. Col. Robert C. Nicholas.

1st Q.—Was you at Fort George, when General Wilkinson arrived there, in September, 1813, and in what rank?

A.—I was Major of the 12th regiment of infantry.

2d Q.—Was you not a member of a council of war, held there; and did you not understand, from the exposition of General Wilkinson, that the taking of Kingston, constituted the great object of the campaign?

A.—I was a member of that council; concurred in the opinion given; the object, as therein represented by General Wilkinson, was the taking of Kingston.*

* See Appendix, No XII.

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3d Q.—When General Wilkinson reached Fort George, was not our squadron, with Commodore Chauncey, in Niagara river; and was not the British squadron off the mouth of that river, and did it not continue on that station a number of days?

A.—Our squadron was then in Niagara river. I recollect nothing further.

4th Q.—Did you descend the St. Lawrence, with General Wilkinson, in 1813, and in what capacity?

A.—I did, as one of his aids.

5th Q.—Did you observe any waste, or destruction of provisions, by the troops, on the voyage?

A.—None.

6th Q.—Did you ever hear, or know of General Wilkinson, using language calculated to encourage, or produce, such unwarrantable conduct?

A.—Never.

7th Q.—Did you witness a day's unnecessary delay, in moving from Sackett's Harbour to French Mills?

A.—There appeared to me no unnecessary delay.

8th Q.—Do you recollect, the situation of the flotilla, above Ogdensburgh, the night of the 5th of November, 1813?

A.—The order of movement was considerably deranged, the night we reached the landing, above Ogdensburgh.

9th Q.—Could the flotilla, have passed Prescott, that night, in order, and safety?

A.—I do not feel competent to answer.

10th Q.—Did you see Colonel King, on board of General Wilkinson's schooner, the 6th of November? How long did he stay? Were you near them? Did General Wilkinson appear to hold any private, or interesting conversation, with Colonel King? And did not the Colonel, receive a letter from General Wilkinson, to be conveyed to General Hampton?

A.—I saw Colonel King, on board of General Wilkinson's boat, the day preceding the night, of the passing of Prescott. I do not recollect, how long he staid. His

conversation with General Wilkinson, appeared very short; nothing more, as I recollect, than a passing salute, as he entered the boat. I was on the opposite side of the deck. I did not see Colonel King receive a letter, from General Wilkinson. When he entered the boat, I think, General Wilkinson was writing, or dictating, and no conversation passed then. What he did afterwards, or how long he staid, I do not know. Colonel King being a stranger to me, the circumstances made very little impression on me.

11*th Q.*—Did you see, Colonels Scott and Gaines, visit General Wilkinson, the 6th of November, and did not the General appear surprised, and rejoiced at their arrival? And what passed?

A.—I met Colonels Scott and Gaines, at General Swartwout's boat, and accompanied them on their first visit, to General Wilkinson. He appeared surprised, and very much rejoiced to see them, and expressed this repeatedly, especially to Colonel Gaines, congratulating him on the successful termination of one campaign,* and his taking command of one of the best regiments in the expedition.

12*th Q.*—Did you see General Wilkinson, in the afternoon of the 6th of November, and was he intoxicated? General Wilkinson not intoxicated, on the night of the 6th, or morning of the 7th.

A.—I saw General Wilkinson, and he was not intoxicated.

13*th Q.*—Did you see him, the morning of the 7th, and was he intoxicated at that time?

A.—I saw him on the morning of the 7th,—he was not then intoxicated.

14*th Q.*—Did you carry any orders, from General Wilkinson, on the 5th, 6th, or 7th of November, and what were they?

A.—I recollect carrying orders to General Swartwout, the night before passing Prescott.

15*th Q.*—Did you not see bodies of armed men, with artillery on the Canadian shore, on the 7th?

* He had been with General Harrison, and was promoted to the 25th regiment of infantry.

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A.—I did. General Wilkinson's boat was fired at, and the fire returned, from our gun boats.

The witness, on his cross-examination, by the judge advocate, stated,

That he does not recollect the time, when Colonel King came on board, of Gen. Wilkinson's schooner; nor whether it was before, or after dinner, on the 6th. It made little impression on him, but he believes, it was before they had dined. He only saw him on board once; and at no time, observed General Wilkinson and Colonel King, seated in the stern of the schooner, taking wine. When he saw Colonel King, he was not near General Wilkinson, nor does he recollect, that the former sat by him at all. He further stated, that he does not recollect, seeing Colonel King, at the moment of his departure from the schooner. It was late in the evening, when he accompanied Colonels Gaines and Scott, and he continued near General Wilkinson, until the latter, went into his gig. He seemed to be in perfect possession of all his faculties, and no way disqualified for command. Early on the morning of the 7th, about sunrise, or a little after, he again saw General Wilkinson, and he was then, in no way disqualified, by any thing he had drank.

Deposition of Major Willoughby Morgan.

The deposition of Major WILLOUGHBY MORGAN, of the 12th regiment infantry, was produced, and read in evidence, on the part of Gen. Wilkinson, as follows:

1*st Q.*—Were you at Fort George, in September, 1813, and what was your rank?

A.—I was at Fort George in the year 1813, and Major of the 12th infantry.

2*d Q.*—When did General Wilkinson reach that post, and what was his health at the time?

A.—My recollection of dates, and places, is not very perfect, not having kept a journal. General Wilkinson, arrived some time in September, and was in a bad state of health.

3d Q.—Be pleased to say, what was the then state of the water craft, at that place, as to its condition, and the number of men it was capable of transporting, on Lake Ontario, with their arms, ammunition, and accoutrements, clothing, baggage, camp utensils, and fifteen days provisions?

Transport was to be collected, after General Wilkinson's arrival.

A.—I cannot speak with precision, or confidence on this subject. I think the greatest portion of transportation was to be collected, after General Wilkinson's arrival.

4th Q.—Can you say, what appeared to be the conduct, of General Wilkinson, after his arrival at Fort George, in respect to the sick, the clothing, and equipping the troops, for a movement, and preparing boats for their transportation?

A.—The sick were inspected, and ordered to be sent off, and returns ordered to be made out for clothing.

5th Q.—Do you recollect, what was the weather generally, from the 20th of September, to the 4th of October?

At the close of the month of September, and 1st of October, weather boisterous, with fresh head winds.

A.—Towards the close of the month of September, and 1st of October, to the best of my recollection, the weather was generally boisterous, or the winds blew freshly a-head.

6th Q.—At what period, were the boats in readiness to receive the troops, and was there any obstruction from the winds, to their sailing?

A.—The boats were in readiness, towards the close of September, and the troops in readiness to embark. The sailing was retarded by contrary winds.

7th Q.—Were not several attempts made, to send off the troops, by detachments? And what was the effect, be pleased to describe, particularly?

A.—I do not recollect, but one attempt, when the winds were high and a-head, and the flotilla was ordered to return.

8th Q.—Was any unnecessary delay made, after a sufficiency of transport was collected, to *press* the troops into, with their baggage and provisions? Was there a

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sufficiency of transport at last? And were not the boats crowded and overloaded?

A.—To judge whether there was any unnecessary delay, would require a more enlarged view, than I possessed. I heard much complaint, with respect to limited transportation, and crowding the troops.

9*th Q.*—Will you describe the passage of the troops, from Fort George to Henderson's Bay? And was it possible for any one officer, to superintend the movement of the whole? Did you see General Wilkinson on that passage, and where?

A.—The weather was generally tempestuous, or the winds a-head. The flotilla was greatly dispersed. It was not possible even for regiments to keep together. I do not think, that any one officer, could superintend such a movement. I did not see General Wilkinson on the passage. It was scarcely possible, with a tolerable fresh head wind, even with the aid of poles, to get the heavy boats along.

10*th Q.*—What is the safest and most expeditious mode, of moving a body of troops coastwise, on Lake Ontario, in such craft as was furnished, at Fort George?

A.—By detachments: the smaller the better.

11*th Q.*—At what time did the rear of the troops, from Fort George, arrive at Henderson's Bay? Were not many boats lost, and others damaged.

Some of the boats, on their way to Henderson's Bay, were lost; and part of the 15th regiment were obliged to march from near Eighteen Mile Creek.

A.—I cannot recollect, what day the rear of the boats arrived at Henderson's Bay. Some boats were lost, and many damaged. A great part of the 15th infantry, were obliged to march, from near Eighteen Mile Creek, in consequence of the loss of their boats.

12*th Q.*—In what condition, did the troops, arrive at Henderson's Bay, in respect to clothing, arms, ammunition, and provisions?

A.—Winter clothing was much wanted. The guns and accoutrements, out of order, being much exposed on the passage. The corps were generally out of provisions, and were obliged to send to the Harbour for a supply.

13*th Q.*—Did it not become necessary, at Henderson's

Bay, to make a general repair of the boats, and to furnish others to supply the place of those lost; and also to furnish provisions, and other articles to the troops?

Repairs of boats necessarily made at Henderson's Bay.

A.—Repairs of boats, were necessary, and were made there, to a considerable extent. I know not what number of boats were furnished at that place. Provisions were to be supplied, as I have stated.

14*th Q.*—Was any delay made, after the repair of the boats, and the weather permitted, in sailing for Grenadier Island? What happened on the passage, and in what condition did the troops reach that island?

A.—My impression is, that there was as little delay at this place as possible. After the boats reached the island, many still wanted repairs, and the arms to be put in battle order.

15*th Q.*—Can you say, what was the general state of the weather, from the time you reached Henderson's Bay, until the 2d of November?

A.—Not particularly. There was a good deal of rain, and bad weather.

16*th Q.*—Was any unnecessary delay made at Grenadier Island? And how were the troops, occupied at that place? When did you sail for French Creek, on the St. Lawrence? And what were the circumstances of the passage?

A.—My information is not sufficiently extensive, or precise, to enable me to answer the question, with respect to delay at this place. During the stay at Grenadier Island, the troops were occupied in putting their arms in good order; in procuring clothing, in distributing provisions in the different boats, and in collecting the scattered, and stranded boats of the flotilla, from the Harbour.

17*th Q.*—Was any delay made at French Creek, or in descending the St. Lawrence river? Was not the order, for the movement of the boats, regulated by General Wilkinson, and plans thereof, furnished to the officers commanding corps, and signal flags also distributed?

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A.—As to delay, my information, or observation, does not enable me to answer. The order of the movement of the boats, was regulated by general order. The plans furnished, and signal flags distributed.

18*th Q.*—Will you describe the first day's movement, from French Creek, and inform the court, where, and at what time, the flotilla came to? Did not much confusion and disorder ensue, after dark, among the boats, and did not this circumstance make a halt necessary?

A.—My impression is, that the flotilla moved in good order, and in the mode prescribed in the general order, and came to in the night, a few miles above Prescott. Some confusion and disorder, resulted from the darkness of the night, and appeared to me to render a halt necessary.

19*th Q.*—Were not the boats found in the morning, to be much intermixed, and the regiments and brigades separated?

A.—The situation of the flotilla, to the best of my recollection, was such as described in the question.

20*th Q.*—Did you see, General Wilkinson, on the 6th of November; at what place, and hour; and what appeared to be his condition, as to health and temperance?

A.—I do not recollect, to have seen General Wilkinson, at the time mentioned in this interrogatory.

21*st Q.*—Were not dispositions made on the 6th of November, for passing the enemy's post? Will you describe what they were, and say, with what loss this operation was effected?

A.—I cannot recollect the day, when the dispositions were made. I think it was the day, ensuing the night, we arrived above that place. The boats were arranged in different divisions, and to each division, an officer was assigned. The boats were to pass after each other, allowing some interval. The army, except sufficient to navigate the boats, were marched by land. Most of the ammunition, was also sent by land. Very few men were lost, in passing this post. Perhaps, not more than three

Small loss in passing Prescott.

or four; and no boats lost, except, perhaps, an ordnance boat.

22d Q.—Did you see the General on the next day, and what was his condition, as to health and temperance?

A.—I do not recollect, to have seen General Wilkinson, on the ensuing day.

23d Q.—Was there any unnecessary delay, of the troops, at the rendezvous, below Prescott? And did not General Wilkinson, move the same day?

A.—It does not appear to me, there was any unnecessary delay, at this place. General Wilkinson moved the same day with the army.

24th Q.—Where was the next rendezvous, of the troops, and what occurred that day?

A.—At the White House. The dragoons commenced crossing that day.

25th Q.—In descending the St. Lawrence, with troops in boats, what would be the effect of the fire of cannon, or musketry upon them, from the banks of the river? Was General Wilkinson's boat fired at, by two pieces of artillery, the day before, while descending the first rapid, or afterwards? Did it not appear, that the inhabitants of Canada, were hostile to a man, and was it not reported, they had lined the bank of the river below, with intention to harass and gall the troops, on their passage down?

A.—The boats, in many places, could be reached by musketry, and, of course, by artillery. I heard, that General Wilkinson's boat was fired at, by artillery. I saw, on passing down the river, troops with arms, which I took for militia. They had been driven from Fort Matilda, by Colonel Macomb's command.

26th Q.—Under such circumstances, was it necessary to the safety of the troops, on board the boats, to make a detachment by land, to scour, and keep the coast clear?

A.—I supposed, from the narrowness of the river, a detachment upon land, to clear the shore, was indispensably necessary.

Detachment by land, indispensably necessary.

27th Q.—In that part of the St. Lawence, does not the

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current run twice the distance, men can march in a given time?

A.—In that part of the river, the current carries boats, much faster than troops can march.

28*th Q.*—Do you recollect, any thing of the enemy appearing, on the rear of the army, at the White House? And did any unnecessary delay, take place there?

A.—I recollect, that the enemy appeared in the rear, about dawn of day, opposite the White House. It did not appear to me, that there was any unnecessary delay, at that place.

29*th Q.*—Was not Brigadier-general Brown detached, to scour the coast on the Long Saut, and dislodge the enemy from a block house on the Saut, said to be occupied for the purpose of annoying the troops, in the descent of that rapid?

A.—Yes.

General Brown engaged on the 10th.

30*th Q.*—Was not General Brown engaged at that place, by the enemy, about noon on the 10th of November; and did you not hear the firing? And did you ever learn, by what number he was attacked?

A.—General Brown was engaged that day, in advance, and I heard the firing distinctly. I do not recollect to have heard, what force opposed him.

31*st Q.*—Brigadier-general Boyd being ordered to march, with a detachment to lighten the batteaux, in their passage of the Long Saut; if the flotilla had put off, and entered that rapid, on the 10th, could it have furnished him any support, if he had been attacked by the column of the enemy, which hung on the rear?

General Boyd detached to lighten the boats, previous to their entering the rapid.

A.—Brigadier-general Boyd was detached, to lighten the boats, before they should enter the Long Saut. After the boats should have entered that rapid, I cannot think it possible, they could afford General Boyd's column any aid, if he had been attacked by an enemy on the rear.

32*d Q.*—If the boats had entered the Saut, before the event of General Brown's conflict was known, and he had been repulsed, and the enemy had at the same time,

occupied an island on the Saut, would not the flotilla and the troops, have been exposed to much peril?

A.—To this interrogatory, I answer in the affirmative.

33*d Q.*—Did it appear to you, that the enemy hung on our rear, with the intention to attack us, by land and by water, at the moment the flotilla should separate, from the detachment on shore, to enter the Long Saut?

A.—It is possible, they might have that intention.

34*th Q.*—What, in your judgment, would have been the effect of such an attack; our boats being unable to defend themselves, against heavy gallies and gun boats; and the detachment being attacked by superior force?

A.—I should suppose the result would be most disastrous.

35*th Q.*—Did you see, or hear of any provisions being destroyed, or wasted by the troops, in the descent of the St. Lawrence?

A.—I do not recollect that I did.

36*th Q.*—Did you ever hear, of General Wilkinson maltreating either officer or soldier? Or by word or deed, abusing the service of his country? And as far as your observation enables you to say, what was his conduct, as a gentleman, and an officer, while you served under him?

A.—I never did hear that, General Wilkinson, ever maltreated his officers or soldiers. Or by word or deed, abused the service of his country. As a gentleman and an officer, General Wilkinson appeared to possess the respect and esteem of his officers.

WILLOUGHBY MORGAN,
Major 12th infantry.

Major Willoughby Morgan, being cross-examined, on the part of the prosecution, deposed, and said,

That a day or two, before the actual sailing of the division of troops, from Fort George, a detachment, consisting of the 5th, 12th, 13th, and 20th, regiments of in-

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fantry, and the rifle corps, embarked in the afternoon, proceeded five or six miles; but they found it difficult to advance, on account of the high head winds; and Colonel Pinkney, aid to General Wilkinson, brought an order for their return, which they accordingly executed, and again disembarked. A little before the dawn of the next day, the troops were drawn up in different divisions, for the purpose of meeting the enemy, if they should attempt to advance against us. General Boyd commanded a force towards Queenstown, and General Wilkinson was with a force towards the enemy's position. No enemy, however appeared; nor did the witness perceive, any indications, of an attack from them. The morning, he thinks, was calm, but the winds, about this time, were variable.

WILLOUGHBY MORGAN,
Major 12th Infantry.

Sworn this 7th day of February, 1815, before me,
E. A. BANCKER, *Judge Advocate.*

The deposition of JOHN G. CAMP, deputy quartermaster general, taken by consent, was introduced, and read in evidence, as follows:

1*st* Q.—What was the state of the transport, at Fort George, on General Wilkinson's arrival there, about the 5th of September, 1813?

Most of the boats wanted repairs.

A.—Very bad; most of the boats wanting considerable repairs, before it was safe, to embark on board of them.

2*d* Q.—After the boats were repaired, what was the state of the weather, till the troops sailed for Sackett's Harbour?

Weather very unfavourable.

A.—Very unfavourable to the expedition; the wind almost constantly a-head, till the day of embarkation, say 1st of October.

3*d* Q.—What was the state of, General Wilkinson's, health, whilst at Fort George?

A.—I thought him considerably indisposed, the greater part of his stay at that place.

4*th* Q.—Was not General Wilkinson, indefatigable in his attention, to every branch of the public service?

Considered General Wilkinson indefatigable.

A.—I considered him so, being myself daily, and almost hourly, pressed by him, to facilitate the completion of the boats, and to have every branch of my department, in a complete state of readiness for embarkation.

5*th* Q.—Was there any unnecessary delay, at Fort George, after the boats were ready, and the winds favourable?

A.—None.

6*th* Q.—What time, did General M'Clure's militia, arrive at Fort George?

A.—I think, between the 25th and 30th of September.

7*th* Q.—Did not the troops encamp on the beach, near their boats, for several days, waiting for a fair wind?

A.—They did.

Want of transport, for ordnance stores,

8*th* Q.—Did not the squadron, take on board, a large quantity of ordnance stores, cannon, &c. for which the quarter-master general, could not furnish transport?

A.—They did.

9*th* Q.—Was not a quantity of powder, say 130 barrels, brought from the arsenal at the Eleven Mile Wood, for the use of the expedition; and was it not sent back, for want of transport?

and for powder.

A.—There were 122 barrels brought from that arsenal; 52 barrels of which, were put on board of the fleet; the remaining 70 were sent back, for want of transport.

10*th* Q.—Generally, what was your opinion of the exertions, of General Wilkinson, considering his ill health, and debility?

A.—I considered the exertions of the General, and his uniform zeal for the public welfare, such as to entitle him, not only to the confidence, but the gratitude of all concerned.

Cross-examined by the Judge Advocate.

Q.—After the transports were ready, at Fort George, was there any period in the month of September, in

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which the boats might have put out; and if not, what was the reason?

Expedition could not have proceeded with safety in September.

A.—It was impossible for them to go out, with safety to the expedition, in consequence of the surge, and almost constant head winds.

Q.—Did not a part of the transports sail, and proceed some distance, and afterwards return to Fort George?

A.—They did. My impressions are, that they returned in consequence of, the roughness of the sea.

JOHN G. CAMP.

Sworn before me, this 13th day of February, 1815,

E. A. BANCKER,
Judge Advocate.

Additional question to Doctor Bull.

Q.—What was the attention of General Wilkinson, to the sick and wounded?

General Wilkinson's attentions to the sick exemplary.

A.—Always very exemplary. He has frequently sent me, to visit sick officers, a considerable distance; and officers in this condition, had free access to his stores. He took General Covington on board of his boat, after he was wounded.

Testimony of Captain Conklin.

FREDERICK CONKLIN, Captain of the 4th regiment of United States infantry, being sworn, as a witness for the defence, was examined, as follows:

1*st Q.*—Did you serve in the quarter-master's department, of the division of the army, commanded by Major-general Hampton?

A.—I did; as assistant deputy quarter-master.

2*d Q.*—Do you recollect the period, when Colonel King returned from Ogdensburgh, or the upper country, to Chateaugay, then General Hampton's headquarters?

A.—I cannot say that I do. It was after our return, from descending the Chateaugay; I presume at the Four Corners.

3d Q.—Was the quarter-master general's department, at that time, in a situation to have taken up, the baggage and provisions, of General Hampton's division, and transfer it to the French Mills, on the route to St. Regis.

Objections of the judge advocate.

The judge advocate opposed all enquiry into these points, chiefly on the ground, of its tending to criminate a third person.

The judge advocate opposed the admission, of the additional questions to General Bissell; also the depositions of Colonel Thomas, and Major Wadsworth, immediately succeeding, the examination of Captain Conklin.

The court overrules the judge advocate's objections.

The court deferred deciding upon the questions, but finally determined, that the whole should be received: whereupon, the witness replied as follows:

Sufficient transport for General Hampton's army, with 10 or 12 day's provisions.

A.—I should say, that the time the army returned, to the Four Corners, the public and private teams which accompanied it, were sufficient to have transported, to any place, the army, with, perhaps, ten or twelve day's provision, exclusive of the live cattle; but they were not adequate, to the removal of the whole stock of provisions. The transportation we had, at that time, was not all at the Four Corners; some of it was on the road to Plattsburgh.

4th Q.—What time would it have required, to perform this service?

A.—I do not know the exact distance; if twenty-five miles, it would have taken three days.

5th Q.—How many teams, of all kinds, had you at Chateaugay; and how many teams, could you have collected, in that quarter, including Malone, and the circumjacent towns, in two or three days?

A.—At the time the army moved, from the Four Corners, we had 2 two-horse wagons, to an average of one hundred men, or one four-ox wagon. I cannot say precisely, how many wagons, we might have procured; perhaps forty or fifty, two-horse wagons, in three days. I

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did, at one time, collect thirty wagons in a day, but these were again discharged. In the march of the army, from Four Corners to Chazee, some of the oxen gave out, and some of the tents were left behind.

Teams sufficient to have transported the army 20 miles on a good road.

6th Q.—Would not the teams have been sufficient, to have transported the army, twenty miles, on a good road?

A.—If it had been a good road, I have no idea, they would have failed.

The witness, on his cross-examination, by the judge advocate, stated,

That he does not recollect, the precise day, when the army arrived at the Four Corners, but it was early in November. After being there, three or four days, part of the transportation was sent to Plattsburgh. Among others, twelve large wagons, with ox teams, carried the sick and wounded. Before the army moved to Chazee, two-thirds of the transportation had been sent off; and one cause of this, as represented at the time, was scarcity of forage.

Q.—When you state, that there was transportation sufficient with the army, to remove it together, with eight or ten days provisions, do you mean to include all the public and private teams, which attended the army, on its first arrival at the Four Corners?

A.—I do.

Q.—Do you recollect, the day the army left the Four Corners; and what provisions they carried with them?

A.—I do not; but they carried no provisions with them.

Q.—Was all the transportation employed for this removal?

A.—The greater part: not all.

Additional questions to General Bissell.

Q.—When did you reach the Four Corners, and in

Additional questions to General Bissell.

what condition was the road, from the French Mills, to that place?

A.—I reached the Four Corners, with my regiment, on the 15th November, 1813. We found the marching generally dry. The roads frozen, and part of the way sandy. For a few miles through the wood, the frost in many places yielded, and loaded wagons sunk through.

Q.—What was the situation of the adjacent country, for forage, particularly for hay?

A.—My quarter-master purchased, a considerable quantity of hay and corn, within three miles of the Four Corners. I had a number of horses with my command, but found no difficulty in procuring supplies for them.

No difficulty in procuring forage, near Four Corners.

The deposition of JAMES THOMAS, Colonel, and Quarter-master general, was produced, and read in evidence, for the defence, as follows:

I, James Thomas, Colonel, and Quarter-master general, in the service of the United States, do depose, and say, that in the year 1813, I served, during the campaign, with the division of the army, under the command of Major-general Hampton, as Quarter-master general, and chief of that department. That when the army returned from Ormstown, in Lower Canada, it was encamped, at Chateaugay Four Corners; that in the month of November, and prior to the 6th of the said month, General Hampton ordered all extra transportation, of the quarter-master general's department, to be sent to Plattsburgh, retaining such only, as should be competent, to transport the equipage, and most necessary stores of the army; that there was always on hand, full supplies of hard bread, flour, salted pork and beef, and beef cattle for the army. And that I was always competent to furnish means of transportation, to the said army, wherever it might have been ordered to move. As well after, as before the order of Major-general Wilkinson, to the said General Hampton, to join him on the St. Lawrence.

JAMES THOMAS,
Col. and Q. M. Gen.

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Between 6th and 7th, provisions on hand, sufficient to supply the army.

On his cross-examination, by the judge advocate, Colonel James Thomas, Quarter-master general, stated, that between the 6th and 8th of November, 1813, the provisions on hand, while the army was at Chateaugay, were adequate for the supply and subsistence of the troops, under the actual command of Major-general Hampton, in the following proportion: to wit, bread and flour for forty-five days. Salted pork and beef from twenty to thirty days. One hundred and thirty head of fat cattle, and two hundred more within a day's march of the post. That the transportation retained with the army, at the time before stated, was not competent, to have removed the equipage, and most necessary stores for the troops, together, with all the supply of provisions above enumerated.

JAMES THOMAS.

Sworn before me, this 28th of January, 1815.

EVERT A. BANCKER,
Judge Advocate.

The deposition of Major GEORGE WADSWORTH, was next produced, and read in evidence, for the defence, as follows:

I, George Wadsworth, an assistant commissary, in the service of the United States, do depose and say, that in the campaign of 1813, I served in the capacity of issuing commissary, of provisions; and was in the field, with the division of the army, commanded by Major-general Hampton, and issued to them during their movements, and operations on the Champlain frontier, from September 20th, at Cumberland Head, at Chazee, Champlain, Odeltown, in Lower Canada; thence to Morristown, Chazee, and Chateaugay Four Corners; thence down the Chateaugay river, into Lower Canada, and back to Chateaugay Four Corners, Morristown, Chazee, and Plattsburgh, closing the issues about the 20th of November. That during this time, I was constantly in full supply for the troops.

Had constantly an abundant

of hard bread, flour, salt pork and beef; and had after the first day of October, constantly with the army, a great number of beef cattle. That about the 10th of November, at the time the army moved, from Chateaugay Four Corners, to Plattsburgh, there was in deposit, at the former place, forty-five days subsistence of bread and flour, for the army; besides a considerable quantity of salt pork and beef. And there was with the army, at that time, and in the vicinity, between seven and eight hundred head of fat cattle.

supply of provisions. After the 1st Oct. a great supply of beef cattle.

GEORGE WADSWORTH.
Assistant Commissary.

Being cross-examined, on the part of the prosecution, the witness stated,

That the salt pork and beef, in deposit, with General Hampton's division of the army, about the 1st of November, 1813, was adequate for the supply of the troops, under his immediate command, for twenty days; that no part of the bread, flour, pork, and beef, included in this statement, was received after the 4th of November, to the best of his recollection. That of the fat cattle, about one hundred and thirty were with the army. Two hundred more, within twenty-five or thirty miles of the camp, and the remainder about seventy-five miles from it, with a ferry of about two miles intervening, crossing the narrows of Lake Champlain, from Charlotte in Vermont, to Willsburgh, in the state of New York. That when the army left the Four Corners, about the 11th of November, four days provisions were issued to the troops, and the remainder was left at that place.

The witness further states, that by reference to data in his possession, the beef-cattle, before mentioned, would have produced about thirty-three thousand rations of meat, per hundred head. That about three hundred and thirty head, could have been with the army, in one day's notice, and the residue within six day's notice.

GEORGE WADSWORTH,
Assistant Commissary.

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Sworn before me, this 2d day of February, 1815.

EVERT A. BANCKER,
Judge Advocate.

The following papers and letters, were next produced, and read in evidence, for the defence:

Correspondence with Com. Chauncey produced, and read.

1st.—Memorandum from General Wilkinson to Commodore Chauncey, dated October 1st, 1813, at Fort George.

2d.—Commodore Chauncey's answer, of the same date.

3d.—General Wilkinson's letter to Commodore Chauncey, dated at Sackett's Harbour, in the morning of the 9th of October.

4th.—Commodore Chauncey's answer, of the same date.

5th.—General Wilkinson's letter to Commodore Chauncey, of the 9th of October, 1813.

6th.—Commodore Chauncey's answer, of the same date.

7th.—Commodore Chauncey's letter to General Wilkinson, dated October 16th, 1813.

8th.—General Wilkinson's answer, of the same date.

9th.—Commodore Chauncey's letter to General Wilkinson, of the 16th October, P. M.

10th.—General Wilkinson's letter to Commodore Chauncey, dated French Creek, November 4th, 1813.

11th.—Commodore Chauncey's answer, of the same date.

☞ *For the preceding letters, see Appendix, Nos.* XIII, XIV. XV. XVI. XVII. XVIII. XIX. XX. XXI. XXII. *and* XXIII.

The court adjourned to Monday, the 27th of February, 1815, 10 o'clock, A. M.

Troy, February 27th, 1815.

The court convened pursuant to adjournment.

The judge advocate being prevented from attending, by indisposition, the court adjourned to Tuesday, the 28th of February, 1815, 10 o'clock, A. M.

Troy, February 28th, 1815.

The court convened pursuant to adjournment.

Brigadier-general MOSES PORTER, of the corps of light artillery, was sworn, as a witness for the defence, and examined, as follows:

1*st Q.*—How long have you served in a military capacity, with General Wilkinson?

A.—Since April, 1793.

2*d Q.*—Have you always found him vigilant, industrious, and attentive to every branch of the public service, confided to him?

General Wilkinson's attention to the public interest.

A.—I have ever found him vigilant, industrious, and attentive, to the public interest.

3*d Q.*—Did he not maintain a uniform system, of subordination and discipline; giving to rank its due, and securing to the youngest subaltern his right?

His maintenance of the rights of the army.

A.—He did.

4*th Q.*—Was he attentive to the police, habits, manners, appearance, health, and comfort, of the soldiery? And did he not always discourage, drunkenness and debauchery?

His discouragement of drunkenness and debauchery.

A.—He did.

5*th Q.*—Did he not always appear zealously attached, to the honour of the army, and devoted to the service of his country?

A.—Always.

6*th Q.*—When the service required it, did he spare himself subaltern duties?

A.—I think he did not.

7*th Q.*—Did you serve with General Wilkinson, in the campaign of 1813; and in what capacity; and where did you fall under his orders?

A.—I served with him, as Colonel of light artillery,

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and Brigadier-general by brevet; acted under his orders, from Fort George to French Mills.

8*th* Q.—Was there not a deficiency of transports, at Fort George; and were we not obliged, in consequence of it, to leave behind a quantity of powder, intended for the expedition; and did not the squadron take on board, several pieces of ordnance, and a large quantity of ordnance stores?

Deficiency of transport, at Fort George.

A.—There was a deficiency. Seventy barrels of powder were left, and a large quantity of shot, put on board the squadron, but no ordnance. The boats furnished, were not calculated for the expedition; and one schooner carrying ordnance, was found unfit for that service, and unloaded.

9*th* Q.—Do you know of any false alarm, and consequent detention of the troops?

A.—I recollect, there was an alarm at Fort George, a day or two before the army left that post. General Wilkinson, in consequence, moved out with the army, in two columns, and returned in two hours. I know of no unnecessary detention of the troops.

10*th* Q.—What was the state of the weather, from the 20th of September, to the 4th of October?

Weather generally tempestuous, from the time the army left Fort George, until its arrival at French Mills.

A.—The weather was generally tempestuous and boisterous, from the time the army left Fort George, until it arrived at French Mills?

11*th* Q.—Was there any unnecessary delay, of the troops at Fort George? Were they not hurried in making their equipments; and did they not sail, as soon as the boats were ready, and the wind would permit?

A.—None to my knowledge. The repairs of the boats were pushed, with all possible despatch, and when in readiness, the troops embarked, and sailed as soon as the wind would permit.

12*th* Q.—When did you arrive at Sackett's Harbour?

A.—On the 4th of October, in the same vessel, with General Wilkinson.

13*th* Q.—Were there not four or five battering, long, iron 18 pounders, mounted on travelling carriages, em-

barked in scows, by General Wilkinson's order, after his arrival at Sackett's Harbour?

A.—Two 5½ inch howitzers, and, I think, four long eighteen pounders, were mounted, put in scows, and in readiness for landing.

14*th* Q.—Did you observe any unnecessary delay, during the expedition down the St. Lawrence, from Sackett's Harbour to Barnhart's.

A.—I moved with the flotilla, and observed no unnecessary delay.

No unnecessary delay from Sackett's Harbour to Barnhart's.

15*th* Q.—Was there not a great deficiency of transport, at Sackett's Harbour? and were not the troops crowded, in the expedition down the St. Lawrence?

A.—There was a deficiency, and the transports were much crowded.

16*th* Q.—From your observation, can you say, whether the public property, and army stores, and provisions of every kind, were not loaded on board the boats, without any regularity; thereby producing great difficulty, and delay, in their issues, or application? And did you hear, of any particular persons being appointed, to take charge of the public property, thus disposed in the boats?

A.—I know the army stores, were put on board the different boats, without proper persons to take charge of them, and that some were wasted in consequence.

Army stores wasted, in consequence of their being embarked, without proper persons to take charge of them.

17*th* Q.—When the enemy attacked our camp and flotilla, at French Creek, what might have been the consequence, if our eighteen pounders had not been mounted, and placed in battery?

A.—Most probably, much disaster would have been the consequence; he could have driven us beyond the range of his shot, and obliged us to abandon our camp.

18*th* Q.—Will you describe, the order and arrangement of the flotilla, in the movement from French Creek, to the neighbourhood of Ogdensburgh?

A.—I think it was judicious and correct.

19*th* Q.—At what time did you arrive at that place; and was it prudent for the flotilla, to have passed the post of Prescott, under the cover of that night?

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A.—I arrived at Morrisville, about 10 or 11 o'clock at night, and am of opinion, it would not have been prudent, to have passed Prescott that night. Some time was necessary, to arrange and instruct the flotilla.

20th Q.—Will you be pleased to describe the passage, of the armament, on the night of the 6th of November, by the British post of Prescott?

The order and regularity of the flotilla in the passing of Prescott.

A.—I proceeded in my barge, from the rear, to the front of the flotilla, while it was passing Prescott, and am of opinion, its order and regularity, would do honour to any troops.

21st Q.—Did you see General Wilkinson that evening, or the morning of the 7th of November, and was he intoxicated?

A.—I did not, to my recollection.

22d Q.—From your observation, of the character and conduct of General Wilkinson, what is your opinion of him, as a man of honour, a gentleman and a soldier?

His opinion of General Wilkinson.

A.—I have ever considered him as a man of honour, a gentleman, and a soldier?

23d Q.—If you had known at the White House, on the 8th of November, when the council of war was held, that Major-general Hampton, would not have joined the army at, or near, St. Regis, would you have favoured the attack on Montreal?

A.—I certainly should not.

24th Q.—Is the paper produced, and shewn to you, the minutes of a council of war held, at the White House, and is your signature to the same?*

A.—It is.

Question by the Judge Advocate.

Q.—Do you know, what was the enemy's effective force, in the neighbourhood of Fort George, at the time of the alarm?

A.—I do not.

* See Appendix, No. XXIV.

CHAPTER IX.

Testimony of Major ROBERT G. HITE.—*4587 men, reported present at Fort George, 19th September, out of which, 1165 were sick.—The number of sick diminished, after General Wilkinson's arrival.—Sad state of water transport.—In consequence of deficiency of transport, Commodore Chauncey took troops on board the squadron.—General order of Nov. 6th, 1813.—General Wilkinson not intoxicated on the night of the 6th.—Instructions to Colonel Macomb.—General Brown marches.—Flotilla sails, passes General Brown, and reaches the Yellow House before him.—By order of General Wilkinson, sends a reinforcement to General Boyd on the 11th.—Skirmish on the 9th.—Confidence of the army, unimpaired by any act of General Wilkinson.—Cross-examination.—Testimony of Captain* J. K. PAGE.—*Abstract from his diary.—Remarks contained therein, made during the expedition, and the result of his own observation.—Testimony of Major* ALEXANDER SCAMMEL BROOKS.—*State of the weather, from the 20th September, to the 7th of October, 1813.—His application for powder, &c. and Major Brown's answer.—Remonstrates on the boats being so much lumbered.—Schooner Syren sunk.—A twenty-four, and an eighteen pounder, sunk for want of transport.—Entered Canada, with General Wilkinson, 30th March, 1814.—Ordered by General Wilkinson, to bring up an eighteen pounder, at La Cole Mill.—Order countermanded, in consequence of the difficulty experienced, in bringing up a twelve pounder.—Cross-examination.—Condition of the carriage of the 18 pounder described.—Testimony of Major* CHARLES NOURSE.—*On the 2d of November, passes several boats ashore, and wrecked near Point Peninsula.—Conversation between General Lewis, Colonel King, and General Wilkinson.—General Wilkinson expresses his satisfaction, with the conversation held with Colonel King.—General*

Wilkinson not intoxicated on the 6th or 7th.—Causes of halt below Prescott, and General Wilkinson's impatience. —Was with General Wilkinson, in Canada, on the 30th March.—Was sent to Major Pitts, to hasten the bringing the eighteen pounder, to La Cole Mill.—Half an hour before sunset, went to Majors Brooks and Pitts, to stop their coming up.—Testimony of Major HENRY LEE, *36th regiment.—Waited on the Secretary of War, at Sackett's Harbour, with a message from General Wilkinson.—Produces memorandum of it.—In the habit of copying all General Wilkinson's military correspondence, and in his confidence.—General Wilkinson states his objections, to issuing orders to General Hampton, having been once disobeyed by that officer.—States a conversation with General Hampton, who considered himself, only nominally, under the command of General Wilkinson.—Accompanied Brigadier-general Brown, with the advance.—Details the occurrences.—Cross-examination.—General Brown effected a clear passage, of Hoop-pole Creek, about 3 or 4 o'clock, in the afternoon of the 10th.—No enemy appeared afterwards.—Testimony of Captain* JOHN BIDDLE.— *Never knew General Wilkinson to make use of language, to countenance the waste of public property.—Descended the St. Lawrence, with the elite, under Colonel Macomb. —Skirmish with the enemy.—Many lives would have been lost, but for the precautions of General Wilkinson.— General Wilkinson's feelings towards the army.—His zeal and activity described.—Cross-examination.—Testimony of Inspector-general* JOHN BELL.—*His letter to Doctor Ross, by order of the Secretary of War, continuing him on the roll of the army.*

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Testimony of Major Robert G. Hite.

MAJOR ROBERT G. HITE, assistant adjutant general, was sworn as a witness for the defence, and examined as follows:

1st Q.—Were you at Fort George, in September 1813, at the time General Wilkinson reached that place; and in what capacity did you act?

A.—I was there; and acted as assistant adjutant-general.

2d Q.—Can you recollect the number of troops, reported at Fort George, the day of his arrival, their state and condition?

4587 men present, out of which, 1165 were sick at Fort George.

A.—I do not recollect, the number then reported; but have a morning report of the 19th of September, between which day and that of General Wilkinson's arrival, there was very little variation. By this report, the total present, on both sides the river, was 4587, of which number, 1165 were sick, including officers and men; 203 officers were present, including the sick. This report does not include the number of sick at Lewistown, nor some who were tented on the Niagara side.

3d Q.—Can you say, whether or not, the number of sick, had considerably diminished, from the time of General Wilkinson's arrival at Fort George, until the date of the report you now offer to the court?

A.—The number had considerably diminished.

4th Q.—What was the state of the troops, in respect to clothing, arms, organization and discipline, at the period of the General's arrival?

A.—They were decent in clothing; the arms were good; the organization defective, and discipline loose.

5th Q.—In what state, did General Wilkinson find the water transport, at that time, for the division at Fort George, as to competency, accommodation, fitness, and safety?

Bad condition of transport.

A.—A number of boats, had been the whole summer on the beach, and wanted caulking and repairing, before they could be used. They were incompetent, for the transportation of the troops, small, inconvenient, and unsafe.

6th Q.—What appeared to be the General's attention, to the interests of the service? And, to your knowledge, was one hour lost, in preparing for the embarkation of the troops?

A.—He manifested much attention, to the interests of the service; and I do not think an hour was lost.

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7th Q.—In consequence of a deficiency of transport, did not Commodore Chauncey, take a number of troops on board of his squadron; and but for this circumstance, must not those troops have been left behind?

A.—Some were taken by the squadron, and, I believe, could not have descended the Ontario, had they not proceeded in that way.

8th Q.—Was you on board of General Wilkinson's passage-boat, above Ogdensburgh, on the 6th of November, 1813; and on the morning of that day, were not the boats of the flotilla, found to be in great derangement and confusion; and did not General Wilkinson issue a morning order, directing that they should resume their proper stations; and is not the paper now presented, the order referred to?

A.—I was on board the boat. The flotilla was in a state of derangement and confusion; and the following order was issued in consequence.

MORNING G. O.

"*Head Quarters, St. Lawrence, November* 6, 1813.

General order of Nov. 6th, 1813.

"The regiments and brigades, which were deranged last night, must be put in strict order, as speedily as possible, preparatory to a forward movement. The boats must be ranged by corps, at such distance, as to prevent their dashing each other to pieces, in case of a storm. The commander in chief, begs to speak to the general officers at mid-day.

"The men immediately to cook two days provisions, exclusive of the present.

"JAMES WILKINSON."

9th Q.—Was there not a private order issued, by General Wilkinson, on the 6th of November, 1813? And at what time of the day, was that order written? And is not the paper now presented to you a copy of it?

A.—The order was written by me, dictated by General Wilkinson, between the hours of 3 and 4, in the afternoon—in the following words:

GENERAL ORDER.

[Private.] "*Head Quarters, 6th Nov.* 1813.

"The boats will pass Prescott this night, after the setting of the moon, in the following order. The gun boats to cover the front, and exposed flank. The boat of the general in chief will lead, followed by the whole of the ordnance boats and scows; then the corps of Colonel Macomb, the riflemen and Colonel Randolph, who are to be followed, by brigades and regiments, as directed for the flotilla, at French Creek. The hospital vessel, and contractor's boats, will take the station heretofore prescribed. To save all unnecessary hazard, the powder and ammunition has been landed, and will pass the enemy's batteries, in wheel carriages; and to save the men from unnecessary exposure, the boats are to be manned strongly, and the rest of the troops are to be marched, by land, under cover of the night, to such point below Ogdensburgh, as the General may hereafter direct. But it is to be clearly understood, that every boat is to be conducted, by a commissioned officer, or sergeant of unquestionable fidelity. Brigadier-general Brown, general officer of the day, will see this order carried into rigorous effect.

"By command.

"J. B. WALBACH, *Adj. Gen.*"

10*th* Q.—Did you see General Wilkinson, after you left him to promulgate this order? At what time? And did he appear to be intoxicated?

A.—I returned on board the General's boat, at the moment he was descending the side, to get into his gig. He did not appear to me, to be intoxicated.

11*th* Q.—Did you see General Wilkinson again, in the course of the night, of the 6th of November, 1813? And

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did he then appear to be intoxicated, or disqualified, for a correct, regular, and faithful discharge of his duties, as commander in chief?

General Wilkinson not intoxicated, or in any way disqualified on the night of the 6th.

A.—After passing the enemy's batteries, and getting out of the reach of their fire, between 12 and 1 o'clock, we again saw General Wilkinson. He was not then intoxicated, or in any respect disqualified. He hailed the passage boat, in which I was, and after ascertaining who we were, expressed his determination to proceed up the river, and look after the flotilla. The officers on board, opposed this resolution, but he persevered, considering it his duty to do so.

12*th Q.*—Did you see General Wilkinson, the next morning, and at what hour? And did he then appear intoxicated?

A.—Between 8 and 9 o'clock the next morning, I saw General Wilkinson; he did not appear to be intoxicated.

13*th Q.*—Did not General Wilkinson, the same day, give orders for the elite under Colonel Macomb, to proceed in advance, to clear the coast of the river, of the ambuscades of the enemy; and to force a post at the narrows of the St. Lawrence, above Hamilton? And can you state, what was the particular order, on that occasion?

A.—The order transcribed by me, from recollection, was to the following effect:

"*Head Quarters, St. Lawrence River,*
7th November, 1813.

"Sir,

Instructions to Colonel Macomb.

"I have received advice, that the enemy occupies a strong post, with several pieces of artillery, at the narrows, a few miles above Hamilton, for the purpose of annoying the flotilla, in its descent. You will proceed immediately, with the reserve under your command, Forsyth's riflemen, Colonel Randolph's command, and Major Herkimer's volunteers, and drive him from his position. I think it would be most prudent for you, to make the shore above him, and march to the attack by land, leaving a sufficient number of men to secure your boats, in

case you should find it necessary to retreat. If the enemy is in considerable force, you will not risk an action, but inform me of it immediately. If you succeed in executing this order, you will drop down to Hamilton, and wait there, until I join you. Wishing you a successful enterprise.

"I have the honour to be,
"Very respectfully,
"Yours, &c.
"JAMES WILKINSON.

"*Colonel Alex. Macomb.*"

General Brown marches.

14*th* Q.—Did not General Brown, march with his brigade, the second dragoons, the elite under Colonel Macomb, and four pieces of artillery, the morning of the 9th of November, 1813, and at what hour?

A.—He did: perhaps about 10 o'clock, A. M.

15*th* Q.—Did not the flotilla sail the same day, and at what hour? And did it not pass General Brown's command, and reach the Yellow House, some time, previous to the arrival of the troops?

A.—It sailed the same day, between 12 and 1 o'clock, passed General Brown, and reached the Yellow House before him.

16*th* Q.—Do you know the rate, at which the flotilla sailed, on the day of the 9th of November, 1813?

A.—I cannot say.

17*th* Q.—Do you recollect, having any conversation, with General Wilkinson, on the 11th of November, 1813, or receiving any orders from him?

A.—I was ordered, by General Wilkinson, to land, and direct General (then Colonel) Porter to plant a battery on shore, to drive the enemy's gun boats. An eighteen pounder was landed, and several shot exchanged. When the action between the infantry became general, I was the only officer of General Wilkinson's family with him. He asked me, "what bickering that was?" I replied, the musketry are warmly engaged. He then directed me, to

By order of General Wilkin-

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assemble all the force, about the boats and on shore, and send it to the field of action; which I did, under the command of Major Malcom and Colonel Upham. I found Major Malcom formed, when I applied to him; but I know not by whose orders.

son, sends reinforcements to General Boyd, on the 11th.

18*th* Q.—On the 8th of November, 1813, while the troops lay at the White House, was not information received, that the corps of the enemy, which had fallen down from Kingston, to Prescott, and landed there, had re-embarked in their batteaux, and were following us with their gun boats? And were not batteries planted, and other precautions taken, to receive him?

A.—We were under strong expectations, he would fall upon our rear, that night, and such precautions were taken.

19*th* Q.—Was there not a skirmish with the enemy, on the morning of the 9th of November, 1813? And had not Major Forsyth one man killed?

Skirmish on the 9th.

A.—There was; and Major Forsyth had one man killed.

20*th* Q.—Did you see, or hear of any waste of provisions, or stores, by the troops in their passage, down the St. Lawrence?

A.—I did not.

21*st* Q.—Did you hear General Wilkinson, hold any language, calculated to countenance, or encourage, such abuse, in either officer, or soldier?

A.—I did not.

22*d* Q.—Was the confidence of the army, in General Wilkinson, impaired, by any act of his, on the 6th or 7th of November, 1813?

A.—I do not think it was.

The witness was cross-examined, by the judge advocate, as follows:

Cross-examination.

1*st* Q.—After your return, from promulgating the private order, of General Wilkinson, how long did you see him?

A.—It was but a few minutes; he was sitting in the stern of his gig?

2d Q.—Had you any conversation with him?

A.—Not any; but heard him in conversation with others.

3d Q.—During the night of the 6th, did General Wilkinsom come on board of his schooner.

A.—No, I believe not; he passed us in his gig, near enough to hold conversation with him, in the ordinary tone of voice.

4th Q.—At what time, did you write from recollection, the general order, relative to the detachment of Colonel Macomb, with the elite, referred to, in your testimony? And did you do so, wholly from your impressions, of the substance and import of the order?

A.—I wrote it since my arrival in this place; and did it wholly from my own recollection, and impressions.

JOHN K. PAIGE. Captain in the 13th regiment, of United States infantry, was sworn, as a witness for the defence, as follows:

Testimony of Capt. Paige.

Q.—Did you keep a diary of the weather, in the months of September, October, and November, 1813? and will you exhibit it to the court?

A.—I kept a diary, and the following is an abstract, for the time included, between the 20th of September, 1813, and the 30th of November, ensuing, when the army arrived at French Mills:

Abstract from the diary.

1813, September 20th.—The whole army were industriously employed, at this time, in repairing, and fitting out boats.

22d.—Colonel Scott, with between 4 and 500 men, embarks about 8 o'clock, P. M. on an expedition. The night was dark, and a strong gale, off land, springing up, the boats were dispersed, and all did not return until next day.

24th.—Militia arrive at Lewiston.

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25th.—Orders issued for the embarkation of the 5th, 12th, 13th, 15th, and 20th regiments. The wind prevents their moving.

26th.—Wind still a-head.

27th.—All the troops, except the 23d regiment, embark, but wind still continues a-head.

28th.—The army leave Fort George, and sail down the lake. The wind, after rounding the point at Fort Niagara, was a-head, and increasing; but by rowing we had made from 8 to 10 miles, when orders were received, for our return: wind heavy during the night. The two fleets had been engaged, and were still so, when they went out of sight.

29th.—Wind heavy a-head.

30th.—Wind continues the same; we march out towards the enemy's encampment; General Wilkinson commands in person.

Oct. 1st.—The wind had died away, and about 10 o'clock, we again set sail. Towards night, the wind strong a-head, and many of the boats obliged, to put in at Twelve Mile creek.

2d.—Get under way very early; weather pleasant; sail to Forty Mile creek.

3d.—Fair wind the first part of the day; arrive about dusk, at Braddock's Bay.

4th.—Sail early; wind fair; towards night, appearance of a squall; wind increasing; arrive at Oswego, a little after 11 o'clock, P. M.

5th—About 1 A. M. a severe storm and gale; some of the boats wrecked during the night; wind continues during the day.

6th.—Wind continues.

7th.—Principal part of the boats arrive at Oswego.

8th. to 13th.—The wind was high, and a great proportion of the time, the weather cold, stormy, and disagreeable.

13th.—Left Oswego about 9 o'clock; wind heavy and fair, but increased, so that about 1 o'clock, obliged to put in at Stony Creek.

14th.—Wind continues heavy; remain at this place.

15th.—Sail to Henderson's Harbour.

16th.—Orders issued, for organizing brigades and divisions.

17th.—Cold, rain, and severe wind.

18th.—Sail to Grenadier Island; wind fair, and brisk.

19th to 23d, inclusive.—The weather, a principal part of the time, very pleasant.

24th to 25th.—Continued and severe storm.

26th.—Artillery and 5th regiment leave the island.

27th.—The second brigade leaves the island.

28th to 29th.—Rain and snow; severe wind prevents our sailing.

30th.—Embark; severe wind renders it impossible, for our boats to weather Four Mile point; some, in making the attempt, were driven on Fox Island.

31st and Nov. 1st.—Violent wind and snow storm.

2d.—Embark, and have a fine sail to Gravelly Point, 12 miles; stop, in consequence of information, that part of the British fleet, lay off the point of Long Island.

3d.—Our fleet move down the channel, and we sail to French Creek.

4th.—Remain at this place; weather pleasant.

5th.—Four o'clock, A. M. "*general*" beats, instead of "*reveillee.*" Signal guns for putting off at 5; we get under moderate way; wind light, but favourable; weather pleasant; arrive within 5 or 6 miles of Ogdensburgh, about 2 o'clock in the morning; boats in considerable disorder.

6th and 7th.—Weather pleasant; pass Prescott in the night; on the evening of the 7th, light corps under command of Colonel Macomb, move down the river.

8th.—Sail to Hamilton.

9th.—Arrive at Williamsburgh.

10th.—General Brown marches for Cornwall; is attacked.

11th.—Battle; embark, and sail down the river about four miles; land on the American shore.

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12th.—Sail to Cornwall.
13th.—To French Mills.

JOHN KEYES PAIGE,
Captain 13th infantry.

Question by the Judge Advocate.

Q.—Were the remarks, in your journal, noted by you, during the expedition? Were they correct, and the result of your own observation?

A.—They were.

ALEXANDER SCAMMEL BROOKS, Major in the corps of artillery, being sworn, as a witness, for the defence, was examined, as follows:

1*st Q.*—Was you attached to the division, at Fort George, in September, 1813; and in what capacity?

A.—I was there, captain of artillery.

State of the weather, from 20th Sept. to 7th Oct. 1813.

2*d Q.*—Can you say, what was the state of the weather, from the 20th of September, to the 7th of October, 1813?

A.—It was generally a gale of wind, with very short intervals.

3*d Q.*—Were the gun barges and boats at Sackett's Harbour, equipped for service, when you arrived there, on the 7th of October, and in what condition did you find them?

A.—They were not prepared, but were loaded with hospital stores, and other articles.

4*th Q.*—Had you occasion to apply, to the quarter-master general's department, for ammunition, and equipments for those boats? and if so, will you say what took place on the occasion?

Application for powder, &c. and Major Brown's answer.

A.—I carried an order for a barrel of cannon powder, some pounds of priming powder, slow match and flannel, from General Porter to Major Brown, who refused to execute it. I next took it to General Lewis, and obtain-

ed his order; but was again refused by Major Brown, who said he could not *attend to trifles.*

5th Q.—Were not those boats loaded, and encumbered with hospital stores? Did you remonstrate to the deputy quarter-master general, on this subject, and what was his answer?

A.—The boats were very much encumbered. I remonstrated on the subject, to Major Brown, and told him, that in case of an action, I must throw them overboard: he replied, *that I might throw them to the devil, if I pleased.*

6th Q.—Did you see any army provisions, or stores, wasted or destroyed, by the troops, in descending the St. Lawrence?

A.—I did not.

7th Q.—Did you ever hear of General Wilkinson using language, calculated to countenance or excite such conduct, or to encourage negligence, or a disregard of the public property?

A.—No.

8th Q.—Did you not descend the St. Lawrence, to the neighbourhood of Prescott, in the schooner Syren? Was she not scuttled and sunk, above Prescott; and why was this done?

Schooner Syren sunk.

A.—From French Creek to the neighbourhood of Prescott, I sailed in her. There was an order given for scuttling and sinking her, because she drew too much water to pass the rapids.

9th Q.—Was it known, before you entered the St. Lawrence, that this vessel could not pass the rapids below Prescott?

A.—The master of the vessel, mentioned this circumstance, at Sackett's Harbour.

A 24 and an 18 pounder sunk, for want of transport.

10th Q.—Were there any articles sunk in her? if so, what were they, and why were they not taken out?

A.—A twenty-four, and an eighteen pounder, were sunk in her, for want of transportation, as I was informed by the officer, who was assigned to that duty.

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11*th Q.*—Did you see, or hear, of any unnecessary delay, in the expedition down the St. Lawrence?

A.—No Sir.

12*th Q.*—Had the troops confidence in General Wilkinson, and did he forfeit that confidence, by his conduct on the expedition?

A.—I heard nothing to warrant such an opinion.

13*th Q.*—Did you ever see General Wilkinson, under the fire of the enemy; and did he appear cool, and self-possessed, and regardless of his person?

A.—I did at Odeltown, and he so appeared. Seven of my men were wounded on this occasion.

14*th Q.*—Did you enter Canada, with the division under General Wilkinson, the 30th of March, 1814, and in what command?

A.—I did; commanding two companies of artillery, under the immediate orders of Major Pitts, of the light artillery.

Ordered by General Wilkinson, to bring up an 18 pounder to La Cole Mill.

15*th Q.*—Did you receive orders that day, to bring up to the battery, near La Cole Mill, the eighteen pounder, under your particular orders, and from whom?

A.—From an aid of General Wilkinson, I received such an order.

16*th Q.*—Was not this order afterwards countermanded, and at what time of day?

Order countermanded.

A.—It was near sun down, when I was ordered back with it.

17*th Q.*—Did you understand what was the cause of the countermand?

A.—I was told, by the officer who presented the order, that Major Pitts could not advance with a twelve pounder, which had preceded me.

18*th Q.*—Was the confidence of the troops impaired, in General Wilkinson, by the affair of La Cole, or by any preceding part of his conduct?

A.—Not to my knowledge.

Cross-examination.

Cross-examined by the judge advocate:

1*st Q.*—When you applied to Major Brown, for am-

munition and equipments, was he not very much occupied?

A.—He was busy at his desk.

2d Q.—Was not the quarter-master's department, much pressed, at that time, in hastening the expedition?

A.—I do not know; but my own impression was, that the business on which I went, was of the first moment.

3d Q.—Was General Swartwout, or Major Brown, present, when the master of the Syren informed you, she drew two much water to pass the rapids?

A.—No, Sir.

4th Q.—Was this information given to General Swartwout, or Major Brown?

A.—Not to my knowledge.

5th Q.—Had the carriage of the eighteen pounder under your command, been broken down? And what was its situation, when you received the order of countermand?

Condition of the carriage of the 18 pounder, on its way to La Cole mill.

A.—On the march, after we left Champlain, one of the wheel boxes split, and was partially repaired. On returning towards Champlain, after receiving the order of countermand, the box again gave way.

Questions by the Court.

Q.—Could you have reached La Cole Mill, with the eighteen pounder, had the order not been countermanded?

A.—I do not know the road.

Q.—At what time of day, did you receive the first order, to repair to La Cole Mill?

A.—It was late in the afternoon of the 30th.

Major CHARLES J. NOURSE, assistant adjutant-general, being sworn, as a witness for the defence, was examined, as follows:

Testimony of Major C. J. Nourse.

1*st Q.*—In what capacity did you act, in the expedition down the St. Lawrence, in 1813?

A.—As an extra aid, to General Wilkinson.

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2d Q.—Did you not carry despatches from General Wilkinson to the late secretary of war, from Grenadier Island? Where did you find the secretary, and when, and where rejoin General Wilkinson?

A.—I carried despatches, which were delivered to the secretary, at Denmark, and returned by the way of Sackett's Harbour, to Grenadier Island, on the 2d of November.

3d Q.—On your route from Sackett's Harbour to Grenadier Island, did you discover any artificers with materials, to repair stranded boats, between those places?

On the 2d Nov. passes several boats on shore, andwrecked.

A.—I attempted to leave Sackett's Harbour, on the 1st of November, but was obliged to return, on account of the snow, and heavy sea. On the 2d, I went out in the artificers' boat, with Captain Paris, who was going with his men and materials, to repair the boats, near Point Peninsula, we passed a number of boats, which were on shore, and wrecked.

4th Q.—Did you accompany General Wilkinson, down the St. Lawrence, to look at the fortifications of Prescott, on the morning of the 6th of November?

A.—I did.

Coversation between General Lewis, Col. King and General Wilkinson.

5th Q.—Returning up the river, did not General Wilkinson meet, General Lewis, and Colonel King, and did not their barges make the shore, and those gentlemen land, and hold a conversation of some length?

A.—They did.

6th Q.—Did you not return afterwards with General Wilkinson, in his barge, to his passage boat, and do you recollect any conversation, which took place, before you reached the boat?

The judge advocate objected to this question, but was overruled; and the witness answered, as follows:

General Wilkinson expresses his satisfaction with the

A.—General Wilkinson stated, that he felt much easier, since conversing with Colonel King; being assured, that General Hampton would meet him, at some point below.

7th Q.—Do you recollect, Colonel King being on board

of General Wilkinson's boat, on the afternoon of the 6th? And have you any knowledge of his business?

conversation with Colonel King.

A.—Colonel King was on board, and received a letter, from General Wilkinson, to General Hampton, which had been prepared for him.

8th Q.—How long did Colonel King remain, on board of General Wilkinson's boat? And did you hear, or observe, any interesting conversation, between him and General Wilkinson?

A.—Colonel King remained but a few minutes, and I heard nothing more, but General Wilkinson wishing him a pleasant ride, and handing him the letter.

9th Q.—Did you observe, General Wilkinson, at any time that day, the 6th of November, from morning until evening, appear to be dissatisfied, or discontented? And was he not, unusually gay and cheerful, throughout that day?

A.—He appeared in better health, and more cheerful than he had been.

10th Q.—Did you see Colonels Scott and Gaines enter General Wilkinson's boat, on the 6th of November? At what time was it, and did not General Wilkinson manifest great joy, at seeing them? Was General Wilkinson intoxicated, at this time?

A.—I saw them come on board, about 3 o'clock. The meeting was most cordial on both sides?

11th Q.—Did you see General Wilkinson, go on board his gig? At what time was it? And did he appear intoxicated, or self-possessed at that time?

General Wilkinson not intoxicated, on the night of the 6th, or 7th.

A.—He went on board, a little before, or about dusk. An offer was made, by me I believe, to assist him into it, which he declined: went over the side of the schooner alone, and was not intoxicated.

12th Q.—Did you see General Wilkinson, the next day? What was his situation, and did he appear intoxicated?

A.—I saw him early the morning of the 7th, standing by a fire on shore. He did not appear to be intoxicated.

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13*th* Q.—How long did General Wilkinson, halt below Prescott, on the 7th of November? What were the causes of that halt? Did not General Wilkinson, manifest great impatience at the delay, and exert every means in his power to shorten it?

Causes of halt below Prescott, and General Wilkinson's impatience.

A.—He halted until 2 o'clock; for this, there were three causes: one, the necessity of bringing up the stragglers, from the flotilla, who had left it the night before; another, of waiting for the boat which had put into Ogdensburgh; and lastly, some time was spent in re-shipping the powder. General Wilkinson expressed great impatience at the delay, and did all he could to shorten it.

14*th* Q.—Was you with General Wilkinson, on the 30th of March, 1814, when the troops marched into Canada?

A.—I was.

15*th* Q.—While our battery was playing on La Cole Mill, did you not carry a message to Captain M'Pherson, from General Wilkinson? And if so, what was it? And what his reply?

A.—I was directed to inquire of him, whether his battery had any effect. He replied, he could not say positively; but he thought it had.

16*th* Q.—Did you not carry orders to Major Pitts, commanding officer of artillery? At what time, and for what purpose?

A.—Shortly after seeing Captain M'Pherson, I was sent to Major Pitts, to hasten the twelve pounder.

17*th* Q.—Did you not carry an order, to Major Brooks, on the 30th of March, 1814? At what time, and when did you deliver it?

A.—I went to both Major Brooks and Major Pitts, to stop their coming up, about half an hour before sun-set.

18*th* Q.—In what time could Major Brooks, have reached the site of the battery, near La Cole Mill? And must not the road have been previously widened?

A.—Without the road being previously widened, he could not have got there in two hours.

The witness was cross-examined, by the judge advocate, as follows:

1*st Q.*—Are you certain, that you heard all the conversation, which passed between General Wilkinson and Colonel King, on board of General Wilkinson's schooner?

A.—I am not. I was some distance from them upon deck.

2*d Q.*—Do you recollect the hour, Colonel King came on board?

A.—I suppose it was half past 2, or a quarter before 3 o'clock.

3*d Q.*—Did you see him, when he left the vessel, and how late was it?

A.—I saw him leave the vessel, and should not suppose he staid there ten minutes. But I *cannot* speak positively as to the time; and my recollection of the conversation on board, is very slight.

HENRY LEE, Major in the 36th regiment of infantry, was sworn, as a witness for the defence, and examined, as follows:

Testimony of Major HenryLee.

1*st Q.*—Was you attached to the family of General Wilkinson, in the autumn of 1813, and in what capacity? And where did you join him?

A.—I was, as aid-de-camp; and joined him at Fort George.

Waited on secretary of war, at Sackett's Harbour, with a message from General Wilkinson.

2*d Q.*—Do you recollect, while at Sackett's Harbour, waiting on the late secretary of war, John Armstrong, esq. with a message from General Wilkinson? And what was the message?

A.—I do: and the following is a memorandum of the particulars, of the conversation, which occurred on that occasion, as noted by me, at the time.

Sackett's Harbour, 12th October, 1813.

Yesterday, by command of General Wilkinson, I waited on the secretary of war, at his quarters, and deliver-

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ed to him, a confidential communication from General Wilkinson, in substance, as follows:

Memorandum.

"That General Wilkinson had, after several verbal and written communications, with Commodore Chauncey, come to the resolution, of attacking Kingston, and from above the town, rather than from below; for reasons suggested, or adopted, by the Commodore; (which reasons, I detailed to the secretary;) and that he would, as he was firmly persuaded, succeed. That, in his opinion, the possession, or demolition of Kingston, was a necessary preliminary, to the conquest of the province of Upper Canada. And that the subjugation of that province, would be a certain consequence of the occupation, or destruction of Kingston. That there was time enough before us, for the perfection of this enterprise, and the taking of Montreal; which last operation, would require but a few days. That if we should sustain much loss at Kingston, our junction with General Hampton would repair it. That his (General Wilkinson's) mind was so resolved on this course of action, that nothing short of an official direction from the secretary of war, to that effect, would cause him to refrain from it; or to adopt any other, which had been proposed to him.

"With these opinions, and this determination, of General Wilkinson, the secretary expressed his agreement. Said that his first opinion on the subject, which had been since corroborated, had been in favour of the attack from above. That the advantages of an attack from below, were reduced by so many, and such heavy disadvantages, as to convince him of the propriety of attacking, from above: otherwise, the fleet would be caught in a sack, from which it might be impossible to extricate it. That the only drawback on this plan, was, that it would leave room for the British army, in Kingston, to escape. I then, as directed by General Wilkinson, handed the secretary, for his perusal, certain letters*, which had passed between General Wilkinson and Commodore Chauncey.

* See Appendix, No. XIII.

on the subject of this enterprise; which papers, the secretary of war, after a few minutes returned to me.

H. LEE,

Aid-de-camp to General Wilkinson.

3*d Q.*—Did you see Colonel King with General Wilkinson, on board of the General's boat, on the 6th of November; were they long together; was you near them; and did they appear to enter into an interesting conversation?

A.—I saw Colonel King; but he being a stranger to me, and in every respect indifferent, I do not know how long he continued on board. Nothing occurred to give me the impression, that any interesting conversation passed. I did not, perhaps, look twice at Colonel King while he staid.

4*th Q.*—Was you not in the habit of copying, General Wilkinson's, confidential communications, and reading his confidential correspondence? Was you not almost constantly with him, until the 9th of November, and did he not speak to you, on public matters, without reserve?

A.—I was in the habit of copying all his military correspondence, and reading his papers and documents. He appeared to speak to me, with perfect confidence.

Was in the General's confidence.

5*th Q.*—Do you recollect the situation, in which General Wilkinson considered himself, in relation to General Hampton, in consequence of that officer's disobedience, or neglect, of General Wilkinson's orders to him? And did you ever hear, General Wilkinson express himself on that subject?

The judge advocate opposed the question being answered, because General Wilkinson's declarations, in his own favour, are not legal evidence.

The court overruled the objection, and the witness stated:

A.—I have heard General Wilkinson observe, that General Hampton, had refused to obey an order, sent by

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him from Albany. While at Grenadier Island, General Wilkinson received an express, from the secretary of war, wishing him to urge General Hampton, to form a junction. General Wilkinson, in reply, wrote to the secretary of war, that he had been disobeyed once by General Hampton, and on this account, he did not wish to issue any other orders to him.

6th Q.—Did you not, on the 6th of November, transcribe a letter from General Wilkinson to General Hampton, of which the paper now presented to you, is a copy; and did not General Wilkinson explain to you, at the time, his motives for not couching it, in more imperative language?

A.—I understood, that his motives for not couching it in more positive terms, were, General Hampton's having slighted his former orders, and his not wishing, to put himself in a situation, to have his orders again disobeyed.

7th Q.—Had you any conversation, with General Hampton, respecting, the campaign, of 1813, and General Wilkinson; and will you state it?

General Hampton considered himself, only nominally under the command of General Wilkinson.

A.—I recollect, having a conversation with him, at Plattsburgh, in the month of November, 1813, in which he stated, that the secretary of war, had stipulated with him, that he should be merely, nominally, under General Wilkinson's command.

8th Q.—Did you hold any conversation with the late secretary of war, John Armstrong, esq. at the city of New York, in December, 1813, respecting the conduct of the expedition, under General Wilkinson, down the St. Lawrence, the preceding autumn, and also of the conduct of General Hampton, during the same period?

The judge advocate opposed the testimony, embraced by this and the preceding question, as violating the first principles of evidence, according to Peake, M'Nally, and others.

The court permitted the first question to be answered, but considered the last inadmissible.

The court adjourned to Wednesday, the 1st of March, 1815, at 10 o'clock, A. M.

Troy, March 1st, 1815.

The court convened pursuant to adjournment.

The examination of Major Lee was resumed, as follows:

9th Q.—Did you see General Wilkinson, on the evening of the 6th of November, and the morning of the 7th, and was he intoxicated at either time?

A.—I saw him all day on the 6th, and early in the morning of the 7th. He did not appear to me intoxicated.

10th Q.—Did you accompany Brigadier-general Brown, on the 10th of November, 1813, down the left bank; and if so, will you be pleased to describe occurrences?

Accompanied Brigadier-general Brown, with the advance—details occurrences.

A.—I accompanied him, as volunteer aid, and recollect but one occurrence of moment, at Hoop-pole Creek, where the bridge had been destroyed. A party of the enemy, composed chiefly of militia, stationed on the opposite bank, fired on our advance, wounded Major Forsyth, and one of his men. A party was detached, under Colonel Scott, to pass up the creek, to some fordable point, and turn the right flank of the enemy. As soon as they perceived the detachment crossing, they dispersed. We understood the body consisted of 800 men. General Brown's march was obstructed, about three hours, principally owing to the destruction of the bridge. Some rounds of grape shot were fired by us, on our approach to the enemy. The above took place, perhaps twelve miles down the river, from Chrystler's, about noon, on the 10th, and was, I believe, opposite to the Long Saut.

Cross-examination.

The witness was cross-examined, by the judge advocate, as follows:

1st Q.—From the nature of the shore, in this quarter, did you observe any position, from which the enemy

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might have annoyed the flotilla, in descending the Long Saut?

A.—I did not observe any particularly, but should suppose the places innumerable?

2d Q.—What was the distance, from the St. Lawrence?

A.—As far as I can recollect, a very short distance. There was a block house immediately on the river. The enemy had no artillery with them; and the block house was evacuated.

3d Q.—Are you acquainted with the width of the river, or nature of the channel, opposite the block house?

A.—I am not. The river was full of islands; one, I believe, immediately opposite the block house. A casual spectator, might have taken the island for the opposite shore.

4th Q.—Do you know, whether the channel was on the south side of those islands?

A.—I do not know; it was sometimes on one side, and sometimes on the other.

5th Q.—Can you say, whether General Brown despatched a courier to General Wilkinson, to announce the result of his movement?

A.—I recollect his despatching two; but do not know, when the first started. I believe it was on the 10th; but have no distinct impression of it. The second went from Barnhart's on the 11th; I do not recollect the hour.

General Brown passes the creek, about 3 or 4 o'clock in the evening.

6th Q.—By what time on the 10th, had our troops effected, a clear passage down the river, and dispersed the enemy?

A.—They effected a clear passage of the creek, about 3 or 4 o'clock, in the evening of the 10th. No enemy appeared afterwards. The obstruction arose principally, from the bridges being destroyed.

JOHN BIDDLE, Captain in the 46th United States infantry, was sworn, as a witness for the defence, and examined, as follows:

1*st Q.*—Was you on the expedition down the St. Lawrence, attached to General Wilkinson's family, and in what capacity?

A.—I was an extra aid, to General Wilkinson.

2*d Q.*—Did you see, or hear, of any provisions or stores, being wasted or destroyed, by the troops, in descending the St. Lawrence? Or did you hear, or understand, that General Wilkinson, ever made use of language, calculated to cause or countenance negligence, and waste of public property, of any species, by either officers or soldiers?

A.—I never did.

3*d Q.*—Did you see General Wilkinson on the 6th of November, and at what time; and did he appear intoxicated, or incapable of exercising a sound judgment?

A.—I saw him about twilight. From what I observed of his conduct, I entertained no suspicions of his being intoxicated. He was more than usually animated; but it appeared rather an exertion for the occasion.

4*th Q.*—Did you not command a platoon, in the elite corps, on the 7th November? And did you not descend the river St. Lawrence, under command of Colonel Macomb, that day?

A.—I did descend the St. Lawrence, a short distance, under the command of Colonel Macomb.

5*th Q.*—Was the corps fired on, by the enemy, or not? be pleased to state circumstances?

A.—When the leading boats arrived within a mile of a place, called Matilda, they were fired at, by some militia, perhaps fifty or sixty. Some shot fell near, and over the boats. Colonel Macomb ordered his command to the American side, formed in order of battle, and crossed. The militia, on our approach, fired perhaps five or six rounds and dispersed. Our principal detachment landed, found it (Matilda) evacuated, and burnt the works. Colonel Macomb, with a division of boats, was entangled, in an eddy, and an hour elapsed, before he reached the shore.

Skirmishes with the enemy.

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6th Q.—From what you observed, of the fire of the enemy, on the boat in which you was; if he had kept post in what was called Fort Matilda, with a body of infantry and artillery; and the flotilla had descended the St. Lawrence, without the precautions adopted by General Wilkinson; would not many lives have been lost, and many boats destroyed?

A.—There is no question, but many lives must necessarily have been lost.

7th Q.—Did General Wilkinson appear to you, on the 6th of November, to be dissatisfied with his situation, and discontented with the army?

General Wilkinson's feelings towards the army, his zeal and activity.

A.—I do not recollect any thing, indicative of such feelings, but the contrary. The passage of Prescott was looked upon as important, and General Wilkinson was zealous and active, in making preparations.

The witness was cross-examined, by the judge advocate, as follows:

Cross-examination.

1st Q.—When Colonel Macomb crossed, with his boats to form in line of battle, was he immediately opposite to Matilda? And what was the distance to that post?

A.—He formed his detachment, and landed about a mile above Matilda.

2d Q.—Did the troops, under Colonel Macomb, take possession of Matilda?

A.—They marched down from the landing above, and took possession of it.

3d Q.—Did it appear, that the enemy had possessed that place, immediately previous to your arrival?

A.—There was nothing there, which indicated that it was hastily abandoned. There was no artillery there. We took prisoner, Captain Green, of the commissary's department.

4th Q.—How long, did it employ, Colonel Macomb, to effect this object?

A.—It was dark when Colonel Macomb landed. Proceeded to Matilda, and took possession of the works. In

the march to the place, two of our platoons being unable to distinguish, in consequence of the darkness, fired at each other. The works consisted of a semicircular battery, of large squared logs, filled in with earth.

5th Q.—At what hour, did the detachment under Colonel Macomb, first move that day? And were any artillery, or munitions of war found at Matilda?

A.—About mid-day, I believe they moved. No artillery, or munitions of war were found.

JOHN R. BELL, inspector-general, in the United States army, was sworn, as a witness for the defence, and examined as follows:

Testimony of inspector general John Bell.

Q.—Was not Doctor Ross, by order of the secretary of war, dropt from the service, in the last year? And was he not afterwards restored, by order of the secretary of war? If so, will you give dates, if you can?

Objected to, by the judge advocate; but allowed by the court.

A.—He was not on the rolls of the army, in June, 1814. In August, I wrote him the following letter, by order of the secretary of war:

"*Adjutant & Inspector General's Office,*
Washington, 20th Aug. 1814.

"Sir,

"I have the honour to inform you, that by direction of the secretary of war, your name is continued on the rolls of the army, as hospital surgeon.

"I am, Sir,
"Your obed't. serv't.
"JOHN R. BELL,
Assist. Insp. Gen.

"*Doctor William M. Ross,*
Hospital Surgeon, Sackett's Harbour."

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When the secretary gave me this, he at the same time, handed me a confidential report of the inspector-general, relative to the state of the hospital, at Sackett's Harbour. My impression is, that he was restored, in consequence of the favourable terms, in which he was there represented.

STEPHEN LUSH, judge advocate, in the United States army, was sworn, as a witness for the defence, and examined, as follows:

Testimony of judge advocate Stephen Lush. Saw the secretary of war, at Antwerp, in autumn, 1813.

1*st Q.*—Did you see the secretary of war, at Antwerp, in the autumn of 1813. and had he not gone to that place, in his route to Ogdensburgh?

A.—I saw him at Antwerp, where he was detained by sickness.

2*d Q.*—While at Antwerp, did you hear him make any remarks, respecting the then depending expedition? And if so, declare what they were?

The question was objected to, by the judge advocate, as irrelevant, and improper; but deemed admissible by the court.

A.—In the course of the evening, the subject of the campaign was introduced. The secretary observed, the expedition *was to have started the month previous, in September; but he lamented that it was delayed, by the inclemency of the weather*; and apprehended *further delay* through the *same cause*, and by reason of *other difficulties*.

3*d Q.*—When the troops lay before La Cole, on the 30th of March, 1814, did you carry any message, from General Wilkinson to Captain M'Pherson, at his battery? If so, declare what it was, and what was his reply?

A.—I did. General Wilkinson ordered me to go to M'Pherson, and ask him, whether his pieces made any impression on the mill, and if the howitzer should not be brought up? he replied, that he could not tell with cer-

tainty, but he thought it did, and begged that the howitzer might be brought up.

4th Q.—Did you not afterwards, carry a message from General Wilkinson to Major Pitts, commanding officer of artillery? And if so, declare what it was, and at what hour of the day?

Went with a message to Major Pitts, requiring him to bring a second 12 pounder up, to La Cole mill.

A.—I went with a message, requiring him to bring up the other 12 pounder. I should suppose about 3 o'clock, or a little past, in the afternoon.

5th Q.—Was not the column misled, on the 30th of March, 1814, by the advanced guard? And did you carry any message on that subject, from General Wilkinson to the officer, or officers in front? If so, declare what it was?

A.—It was misled. General Wilkinson expressed some apprehensions that this was the case, and sent me, I believe, to Colonel Forsyth, respecting it. Colonel Forsyth replied, he had been there before, and knew he was right.

6th Q.—Did you see, General Wilkinson, that day in presence of the enemy, and was his conduct soldier-like, or otherwise?

A.—It was uniformly firm, and manifested an entire disregard, to personal danger.

7th Q.—Did you carry any other orders, from General Wilkinson, that day?

A.—I carried several to General Bissell, in advance, at the time the column was misled. General Wilkinson heard the firing, and sent me to tell General Bissell, to support that point of the action.

JAMES MANN, hospital surgeon, in the United States army, was sworn, as a witness for the defence, and examined, as follows:

Q.—How many sick men were in the hospital, at Fort George, when General Wilkinson arrived?

A.—In the general hospital, at Lewistown, about six hundred. In the regimental hospitals, I believe, I am within bounds, when I say one thousand.

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GIFFORD D. YOUNG, Lieutenant-colonel of the 29th infantry, was sworn, as a witness for the defence, and examined, as follows:

1st Q.—Was you not appointed, to the command of Greenbush, by General Wilkinson? And was you not removed from that command, by an order, direct from the war department?

A.—I was.

2d Q.—Do you know, why you was removed from your command, at Greenbush?

A.—I do not.

The two last questions, and the following to Doctor Ross, were opposed, as inadmissible, by the judge advocate, but were allowed by the court.

Additional question to Doctor Ross.

Did you ever mention the bad quality of the flour, to the secretary of war, John Armstrong, esq.? Or was he specially advised on that subject, at Sackett's Harbour, and at what time?

Reported bad flour at Sackett's Harbour, to secretary of war.

A.—Some time in October, 1813, before the sailing of the expedition, I had a conversation, at Sackett's Harbour, with General Armstrong, relative to the bad state of the flour; and observed to him, Lieutenant Rickets, of the 13th, formerly an inspector of flour, at Alexandria, had been appointed an inspector, at the Harbour, by order of General Brown. That after an inspection had been made, by Lieutenant Rickets, he informed me, *there were not twenty barrels fit for use;* and it would *kill* the best horse at Sackett's Harbour, to make him eat it. The secretary desired me, to bring Lieutenant Ricketts to him which I did; and Lieutenant Ricketts confirmed the statement.*

* This information was withheld from me, although communicated to the secretary of war, and Brigadier-general Brown, and the troops, were suffered, or obliged, to eat this deleterious flour, for *the emolument of the contractor.*

Col. NINIAN PINKNEY, inspector-general in the United States army, was sworn, as a witness for the defence, and examined, as follows:

1st Q.—How long, have you served in a military capacity, with General Wilkinson, and in what stations? Did you accompany him on the expedition, down the St. Lawrence, in 1813, and in what character?

A.—I have served about General Wilkinson's person, five years; part of the time, as aid-de-camp, brigade-major, and adjutant-general. In the first capacity, I accompanied him down the St. Lawrence, in 1813.

2d Q.—Was you on board General Wilkinson's passage boat, the 6th of November, when Colonels Scott and Gaines visited him? How long did he remain with those officers, before he went into his gig?

A.—I was on board when they arrived; and I think the General remained about half an hour.

3d Q.—Had you any conversation with General Wilkinson, just before he entered his gig; and was, or was he not, sober, and self-possessed?

A.—Just as he was descending into his gig, he took me aside, and *requested me to be attentive to Colonels Scott* and Gaines, whom he had invited to stay on board.* He stated, that he would not return to the vessel, until after passing Prescott, and appeared perfectly collected, and in possession of his faculties.

4th Q.—Did you see General Wilkinson again, in the course of the night? If so, what happened at the time, and did he appear intoxicated, or not?

General Wilkinson passes the night of the 6th in his gig—discovers two British gun boats on the American side.

A.—After passing Prescott, about 11 o'clock, and about one and a half mile below, we met General Wilkinson, on the river. We hailed each other. He came along side, in his gig, and directed me, where to make the shore, on the right, a mile and a half further down. He had reconnoitred, and found a suitable landing place, about three miles below Prescott. I asked, whether he intended coming on board? He said no; he should re-

* Scott repaid this civility, by secretly reporting me to be a drunkard.

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turn up the river, and look after the flotilla. He told me, that I had narrowly escaped capture, as he had fallen in with two of the enemy's gun boats on the American side, lying under the shade of the woods, and which, on finding they were discovered, re-crossed the river, and left the coast clear. I did not see him again, until about 4 o'clock in the morning, after his return. I offered him my blankets, on which he lay before the fire on shore.

5th Q.—Did you see General Wilkinson, the next morning, and at what hour? Did you hear him hold any conversation with Colonel Scott, and was he intoxicated at that time?

General Wilkinson not intoxicated on the morning of the 7th.

A.—I saw him the next morning, after sunrise. He directed breakfast to be prepared, and invited Colonels Scott and Gaines to partake. When they came up, General Wilkinson saluted them, and told Colonel Scott, he had not had time the evening before, to ask him a thousand questions, which he wished to do. They conversed on a variety of subjects, and General Wilkinson appeared in greater spirits, than it was supposed possible he could, after the fatigues he had undergone. He was in no degree intoxicated; and his excellent spirits, he attributed, to the flotilla, having passed Prescott with the loss of only one man.

6th Q.—Did you know of any waste or destruction, of stores and provisions, between Grenadier Island and the French Mills; and did you ever know or hear, of General Wilkinson's making use of language, calculated to encourage waste and neglect, of the public property, in either officer or soldier?

A.—I did not.

7th Q.—During your whole acquaintance, did you ever hear General Wilkinson, speak disrespectfully of the army, or of the service?

A.—Never.

General Wilkinson not able to leave his bed on the 11th.

8th Q.—Was General Wilkinson able to leave his bed, on the 11th of November, 1813?

A.—He was not.

9th Q.—Did you carry any orders, from General Wilkinson, on that day, and to whom, and for what purpose?

A.—I conveyed several orders, to the officers commanding the artillery, to land guns, for the purpose of driving off the enemy's gun boats; also to the officer commanding the dragoons, to furnish horses for the artillery, to be sent to General Boyd; and to Major Upham, to take every man that could be spared, to reinforce General Boyd during the action.

10*th Q.*—Did you hear any observation from, or hold any conversation with, General Wilkinson, during the action at Chrystler's field.

A.—We had frequent conversations. General Wilkinson expressed great anxiety, and lamented his hard fortune, that he could not partake, in the dangers of the day. During this time, General Wilkinson, without any previous application from General Boyd, ordered me to send off the reinforcements, under Colonel Upham. I mentioned to General Wilkinson, that I thought the enemy were retiring; but *he considered the firing too long, and too hot, to warrant the opinion.*

11*th Q.*—Did not the boats, put off from the Canadian shore, after the action at Chrystler's field, contrary to the knowledge and intention, of General Wilkinson; and did he not exclaim against it.

A.—It was contrary to his wish, and he exclaimed against it. I attempted to stop the movement, but was not able. General Wilkinson remarked, that the enemy would say we had run away, and claim a victory.

General Wilkinson opposed to the movement of the boats from the Canada shore.

12*th Q.*—Did you carry any message, from General Wilkinson, to General Boyd, after the action had closed? If so, what was it, and what was General Boyd's reply?

A.—I carried a message to General Boyd, to ascertain, whether he could maintain himself, on the bank that night. He replied, that he could not: that it was necessary the men should embark, to have an opportunity of cooking, and obtaining a peaceable night's rest.

13*th Q.*—Did not General Wilkinson, at the time, and during the night, express great chagrin and regret, at the movement of the troops, from the Canada shore?

A.—He did, very great, all the evening.

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14*th Q.*—From long acquaintance with General Wilkinson, and your observation of him, what is your opinion of him, as a man of honour, a gentleman, and a soldier?

His opinion of General Wilkinson's conduct.

A.—His conduct, has always created respect and esteem towards him, as a gentleman, and a man of honour?

15*th Q.*—Do you recollect, General Wilkinson's informing you, that he had ordered the quarter-master general, Brigadier-general Swartwout, to have a large quantity of forage, ready at Sackett's harbour, for the expedition of 1813? And if so, when and where did this happen?

The judge advocate objected to the question; but the court deemed it admissible.

A.—At Fort George, when he arrived there; he mentioned to me, that he had ordered Brigadier-general Swartwout, to have in readiness many thousand rations; I do not recollect the particular quantity.

16*th Q.*—Do you recollect General Wilkinson's expressing much anxiety, at Plattsburgh, respecting a letter, which General Swartwout informed him, he had sent to head quarters, by an orderly sergeant?

A.—Yes. While at Plattsburgh, I called on General Wilkinson, at orderly hour, and found him, Mr. Bell, and Captain M'Pherson, searching for a lost letter. General Wilkinson expressed great anxiety about it, and directed me to enquire through the adjutants, who were the orderly sergeants; which was done. The standing orderlies, about head quarters, were examined, and I understood the letter could not be found. Orders were given to the different adjutants; but I have no knowledge, that the other orderlies were examined; or that any one could be found, who had carried a letter from General Swartwout.

The witness also proved, the delivery of the following notice at head quarters, Fort George, by a British de-

serter, the latter part of September, 1813, on the day preceding the movement of the troops, to meet the enemy, as stated in the testimony of General Boyd and others.

Notice brought to Fort George by a British deserter.

*"Every movement of the army, is either an immediate attack or retreat: about 2,270 strong.

"*To Major V. Huyck, 13th Reg't.*"

Cross-examined by the judge advocate.

Q.—Do you recollect, who gave the order for the movement of the flotilla, after the battle at Chrystler's field.

A.—After more than half the boats had pushed off, into the middle of the river, and the number left was too small, to continue and maintain their position, the final order, for the whole to move, was given by General Wilkinson.

Q.—Have you any knowledge of the circumstances, attending the letter stated to be lost, other than what you received from General Wilkinson?

A.—I have not.

The court adjourned to Thursday, the 2d of March, 1815, 10 o'clock, A. M.

Troy, March 2d 1815.

The court convened pursuant to adjournment.

The judge advocate produced and read, the following communication from the adjutant and inspector general, at Washington.

* Mr. ——, an American, residing in Upper Canada, since executed as a traitor—a strong evidence of the necessity of concealing the names, of those employed on secret service, in time of war; yet since the administration of General Washington, a different course prevails with our executive.

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"*Adjutant & Inspector General's Office,*
22d February, 1815.

"Sir,

Communication from the adjutant & inspector general.

"I have the honour to communicate to you, for the information of the general court martial, of which you are judge advocate, that the recent favourable change in our political affairs, will enable the government to dispense with the services of some officers, who, during the war, were confined to other duties, and they will repair to Troy, as witnesses in the case of General Wilkinson.

"Major-general Macomb, Brigadiers Smith and Swift, Colonels Fenwick and Cumming, and Major Totten, have again been instructed to repair to that place.

"By order of the secretary of war.

"D. PARKER,
Adj. & Insp. Gen.

"*E. A. Bancker, esq.*
Judge Advocate."

Documents produced by General Wilkinson as evidence.

Major-general Wilkinson next produced, and offered as evidence, sundry documents and papers, hereafter described, and those marked, Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, are inserted in the appendix.

1st.—An official report, of Colonel Macomb, dated Nov. 8, 1813.

2d.—Two letters, from Major-general Wilkinson to Major-general Hampton, dated, Albany, 16th August, 1813.

3d.—Requisition, directed to Governor Tompkins, for fifteen hundred militia, dated, 21st August, 1813.

4th.—Governor Tompkin's reply, to the same, dated, 29th August, 1813.

5th.—Unpublished letters to, and from, the secretary

of war, and Major-general Hampton, during the period included between, the 22d August and the 15th November, 1813.

6th.—Published letters between the same, during the like period, as contained in the official report to Congress.

7th.—An order from the secretary of war, to Colonel Scott, dated, 13th January, 1814.

8th.—Two letters from the same, to Colonel Smith, commanding at Sackett's Harbour, in January, 1814.

9th.—One ditto to Elbert Anderson, contractor, dated, 22d September, 1813.

10th.—Order of battle and encampment, in the expedition down the St. Lawrence.

11th.—Certain preliminary correspondence, particularly between the late secretary of war and General Wilkinson, touching the arrest and trial of the latter, consisting of a series of letters, during the period commencing subsequent to the campaign of 1813, and terminating with the arraignment of General Wilkinson, on the present charges.

12th.—Certain correspondence, between Commodore M'Donough and General Wilkinson.

13th.—A correspondence, between General Wilkinson and Colonel Scott.

14th.—Copy of a letter, from Doctor Ross, to the late secretary of war.

Judge advocate objects to their admission.

The judge advocate objects to their admission, on the general ground that, the documents did not apply, to the points in issue.

That more especially, with respect to the letters and papers, touching the arrest of General Wilkinson, and certain proceedings connected therewith. It is not even pretended, they have a bearing on the charges; nor can a circumstance, therein detailed, at all affect the merits of the present trial.

They could only be admissible, if the court was antho-

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rised to canvass the measures* of government, in relation to the arrest of officers, and its acts preliminary to a trial.

The court reserved the question for further consideration, and adjourned until Friday, the 3d March, 1815, at 10 o'clock, A. M.

Troy, March 3d, 1815.

The court convened pursuant to adjournment.

Having resumed the consideration of the papers, and documents, before read, and offered in evidence, by General Wilkinson.

The court, after full deliberation, decided, that all the numbers from 1 to 10, inclusive, as designated in yesterday's proceedings, are admissible testimony.

The several other papers, and documents, produced by General Wilkinson, were, after full consideration, rejected by the court.

No other business being before the court, it adjourned to Saturday, the 4th March, 1815, at 10 o'clock, A. M.

Troy, March 4th, 1815.

Testimony for defence closed.

The court convened pursuant to adjournment.

General Wilkinson having closed, the testimony in his behalf, the court granted him until Monday, the 13th instant, to prepare his defence. And accordingly, adjourned, until 10 o'clock, in the forenoon, of that day.

Troy, March 13th, 1815.

The court convened pursuant to adjournment.

Major-general Wilkinson appeared, stated to the court, that it had been impossible for him to complete his defence, within the time limited, and asked a further indulgence, until Thursday, the 16th, which was granted.

There being no other business, the court adjourned to Wednesday, the 15th instant, at 10 o'clock, A. M.

* It is to be lamented, that such a power, cannot be interposed, to check the tyranny and abuses, which have crept into the army.

Troy, March 15th, 1815.

The court convened pursuant to adjournment.

The following examination, was taken by interrogatories, transmitted to Lieutenant-colonel M'Pherson, at Washington City, district of Columbia, and returned after the testimony was closed—to wit:

Examination of Lt. Col. M'PHERSON, taken by consent of Major-general Wilkinson, of the one part, and E. A. Bancker, esq. judge advocate of the other, to be read in evidence, before the general court martial, now sitting at Troy, in the state of New York.

Interrogatories, on the part of Major-general Wilkinson, with their answers.

1*st* Q.—How long have you served with, or under Major-general Wilkinson? And will you say, what is his character, and conduct, as an officer, and a gentleman?

Entered the army in 1808.

A.—I entered the army, in 1808; since which time, I have, on several occasions, acted with, and under the command of Major-general Wilkinson, as a volunteer in his military staff, as an officer of the line, and as his military secretary, and aid-de-camp. He certainly possesses considerable military talents, natural and acquired. I consider his conduct as an officer, indicative of persevering zeal for the interests of the service, and the honour of the country; his perception intuitively acute, and his memory more correct, and retentive, than of any other officer I have known; possessing at the same time, a facility in penetrating the designs of the enemy, and in arranging a system of campaign. He is an accomplished gentleman; amiable in private life, and from the strong sympathies of his temper, unreserved in his confidence. I never served under him but in one battle—that of La Cole, the 30th of March, 1814. He was then distinguished for his intrepid conduct.

General Wilkinson's character.

His behaviour at La Cole.

2*d* Q.—Is he, in command, attentive to every object of military duty, and strictly regardful of the public property, of every species?

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A.—He is.

3d Q.—Has he been attentive, and humane to the sick, and solicitous for their comfort and accommodation?

His solicitude for the sick.

A.—His attention, and humanity to the sick, and his solicitude for their comfort and accommodation, form a conspicuous trait of his character; as was witnessed at New Orleans, and Terre aux Bœufs, in 1809; and at Sackett's Harbour, French Mills, Malone, and Plattsburgh, in 1813 and 14.

4th Q.—If at French Creek, when the enemy fired on our flotilla, the 18 pounders, with which you repulsed him, had been dismounted, and the carriages in pieces, what would have been the effect, before you could have mounted those pieces, and placed them in battery?

The 18 pounders preserved the flotilla.

A.—The probable destruction of a great part of our flotilla; the sacrifice of many lives; the probable capture of our ordnance; and the defeat of the expedition, to Montreal.

5th Q.—Was you on the expedition, down the St. Lawrence, in 1813? And did you observe any unnecessary delay, in the movement; or see any provisions, or stores, wantonly wasted, or destroyed?

A.—I was in that expedition. I observed no unnecessary delay, in the movement; but as the stores were distributed in the different boats, there was a considerable destruction of them, particularly the hospital stores, from the boats staving against the beach, and in consequence of the frequent storms. The hospital stores were sometimes used by the officers at their messes; but I did not observe any wanton waste, or destruction of them, as the army, from the inclemency of the season, with few exceptions, suffered extremely with dysentery, and the hospital stores, however used as food, proved beneficial to health.

6th Q.—Did you accompany General Brown, on the morning of the 10th November? What was the object of his detachment? Did you engage the enemy; where and how? What was his force, and what the conduct of the action?

Description of the affair at Hoop-pole Creek.

A.—I did. The object of his detachment, I understood, was to force the enemy in our front, in order to procure, a safe passage down the Saut, to our flotilla. We engaged them at a stream called Hoop-pole Creek. Their force consisted, as I afterwards understood, of Scotch militia and Indians, in number four or five hundred, and were concealed by the woods, on the north-east of the creek, the bridge of which, they had previously destroyed. I was at some distance from the head of our column, with two field pieces, having left Captain Irvine in charge of two others, with the main body at Williamsburgh. Our riflemen, under the command of Major Forsyth, ranged along a fence, on the south-west bank of the creek, were already engaged with the enemy, when Colonel Gibson, inspector general, brought me an order from Brigadier-general Brown, to move on the artillery to the scene of action. I did so; and was about to unlimber my guns *on a hill, about sixty feet from the bank of the creek*, when I received another order* from Colonel Gibson, *to descend the hill.* When I arrived there, the riflemen were in confusion, but were immediately rallied. The field pieces opened a fire on the enemy, and in less than an hour, they retreated, and were pursued by the elite, commanded by Colonel Macomb, which crossed the creek, at some distance above the bridge. Afterwards, our troops marched through a narrow road, and across some fields, to gain a passage over the creek, above the scene of action; and when we arrived at the creek, the night became extremely dark, and we were obliged to pass through a narrow road or defile, before we reached our quarters for the night.

7th Q.—Would not a body of armed men, posted on the bank of the St. Lawrence, at the Saut, have power to attack and destroy troops, descending that rapid in open batteaux?

* This was from General Brown, who, contrary to the remonstrances of Gibson and M'Pherson, insisted on planting the battery in a hollow.

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A.—I think they would injure them; but from the rapid movement of the boats over the Saut, their fire would be uncertain.

8*th Q.*—Did you *ever receive*, or did General Wilkinson ever put *into your hands*, an *order* from himself to Brigadier-general Swartwout, *bearing date the 25th of August*, 1813?

Never received an order to Brigadier-general Swartwout, dated, Aug. 25th, 1813.

A.—I never did receive *that order from General Wilkinson, or from any other person.*

9*th Q.*—Did Brigadier-general Swartwout, ever apply to you, for the said order, or for any other order? And did you promise him, that you would copy said order, and hand him the original, or not? Be particular, as to time, circumstances, and manner?

A.—He did apply to me, to have *an order copied*, the date of which I do not recollect, and I told him *I would copy it, or have it copied*, and hand him the original, as he had requested. To the best of my recollection, this was in February, 1814. The circumstances, as well as I recollect, were these:—There was a dance, on that evening, at the house of Judge De Lord, in Plattsburgh, attended by several officers of the army, exclusive of General Wilkinson and his suite, who lived in the house. General Swartwout *spoke to me, respecting a paper, I think he said an order, he had sent to General Wilkinson*, and asked me to copy it, or have it copied for him, and return it the next morning, as he intended to leave town for New York. I replied, that I would copy it, or have it copied, and return it to him, the next morning. Early the next morning, I looked for the paper, but could not find it. General Wilkinson seemed very uneasy at the loss, and directed Lieutenant Bell and myself, to have strict search made for it, and to discover the orderly, to whose care it had been entrusted. Strict enquiry was made for it, but it could not be found; nor could it be discovered, by whom it had been sent. When General Swartwout applied to me, to copy the order, or have it copied, there was nothing unusual in his manner. The

company was gay, and all official business, was dispensed with during the evening.

10*th Q.*—Was not very strict enquiry made, by order of General Wilkinson, for a letter *said, by Brigadier-general Swartwout, to have been transmitted to General Wilkinson,* by an orderly sergeant; and what was the result?

A.—There was; but it could not be discovered.

11*th Q.*—Was you not, General Wilkinson's, military secretary; did you not enjoy his confidence, and see his official correspondence?

A.—I was. I had his confidence, and saw his official correspondence.

12*th Q.*—General Swartwout declares, the letter so delivered, to an orderly sergeant, contained an original order, and was sent to General Wilkinson, to be copied; in such case, would it not have been put into your hands, or those of Lieutenant Bell?

A.—Lieutenant Bell and myself, took charge of all official papers, at head quarters; but as the paper alluded to, was said to have been sent, the evening before, the search for it was made, it might have been received, and not handed to Lieutenant Bell or myself.

13*th Q.*—Did you accompany, the movement of the troops into Canada, in March, 1814; and was it not by your particular desire, you were suffered to take charge of a battery?

A.—I did; and was honoured with the command of a battery, at my particular desire.

14*th Q.*—Was the movement regular or disorderly; military or otherwise.

A.—Considering the bad state of the roads, the depth of the snow, the extreme difficulty and almost impossibility, of conducting the artillery, the movement was as regular, as could have been expected. Several times the horses of the artillery were changed; once an eighteen pounder broke down; and from the frequent halts of the artillery, they lost their stations in the line of march, but

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regained them, previously to the first skirmish with the enemy. The movement was irregular and confused, at one time, in consequence of our having passed beyond the road, which leads to La Cole, and the column countermarching to regain that road.

15*th Q.*—Did you command the battery, in the attack on La Cole Mill; who placed that battery; and were the guns posted to fire, against an angle of the stone wall, or against the end or side of the house?

Witness commanded, and placed the battery.

A.—I commanded and placed that battery. The guns were posted to fire at the gable end of the building; but excepting one or two discharges, from a howitzer, the firing of the artillery, was altogether from a twelve pounder.

10*th Q.*—Did you not believe, for some time after the battery was opened, that your guns were heavy enough, to make a breach in the wall?

Thought the 12 pounder heavy enough to have effected a breach.

A.—I thought the twelve pounder was heavy enough, to effect a breach, and placed no reliance on the howitzers, as they were in a wood, without space of ground to act upon. The officer, having charge of them, borne wounded from the field, and the men in serving them, must have been shot down; for the fire of the enemy was so destructive, that after I was carried from the field, I learned that only two men of eighteen, remained at the twelve pounder.

17*th Q.*—Was the cannonade continued longer than you desired; and if so, how long?

A.—I wished the cannonade to be continued, until the object of it could be effected. I was on the ground about an hour and an half, and the firing continued after I was carried off.

18*th Q.*—Did you make any report to the General, that your guns were too light?

A.—Not after the cannonade commenced; but on the march towards the mill, I requested Captain Nourse, aide-de-camp to Major-general Wilkinson, to ask the General, to order on a twelve pounder. It was sent; the same used in the action.

19*th* Q.—In the depth of the snow, and the great thaw that prevailed, was there time, after you came before La Cole, to have erected furnaces for heating balls, to batter the fortified house?

Not time to have erected furnaces for heating shot, that day.

A.—Not to have fired that day.

20*th* Q.—Could that house, garrisoned by six or eight hundred men, with one aperture only into it, have been carried, by the assault of musketry?

A.—I know not what were the apertures of the building. I saw and fired at but one end of it. I conceive, that it could not be taken by the fire of musketry, and with difficulty, by the charge of bayonets. In my opinion, eight hundred men, defending such a building as the mill at La Cole, are more than equal to three times that number of assailants, whatever may be the number of apertures, unless the building be fired.

21*st* Q.—After the countenance put on by the enemy, and the skirmishes we had with them, and our near approach to their works, do you believe they would have received a flag; or that they would have surrendered the house, before it was attacked?

A.—I do not think they would have received a flag, or a summons to surrender before the mill was attacked. The ground was disputed inch by inch, in our advance to the mill; and the conduct of the enemy that day, was distinguished by desperate bravery. As an instance, one company made a charge on our artillery, and at the same instant received its fire, and that of two brigades of infantry.

Conduct of the enemy.

22*d* Q.—Were the troops, in action, four hours before La Cole mill?

A.—There were no troops before the mill, to my knowledge, during four hours.

23*d* Q.—Were the feelings of the officers wounded; or the martial spirit of the soldiers destroyed; or the army exposed to mortification and disgrace, by that day's operations?

A.—To judge from the *expressions of some officers, since the action*, their feelings were hurt; but I know no-

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thing of the effect produced, on the martial spirit of the soldiers. The public, I understand, thought the army disgraced, by that day's operations, and in consequence, the feelings of many of the army were mortified. In my own regard, I have never cared for popular opinion, in the performance of military duties; and therefore, my feelings on that account, have suffered no uneasiness, from the unfortunate result of the action at La Cole.

24th Q.—Did you know of General Wilkinson being intoxicated, during the campaign of 1813?

A.—I did not.

Cross-interrogatories, on the part of the prosecution, with their answers, by Lieutenant-colonel M'Pherson.

Cross-interrogatories, and answers.

1st Q.—At what hour, on the 10th of November, 1813, did you encounter the enemy? How were they posted, and at what distance from Barnhart's?

A.—To the best of my recollection, at about two, or half past two o'clock, P. M. I have already described their position, in answer to the sixth interrogatory of Major-general Wilkinson. I think, the scene of action was about eight, or nine miles from Barnhart's.

2d Q.—Did General Brown, in his march with the advance, discover any batteries, or fortified points, intended to annoy, and harass the movement of the flotilla down the Saut. Were these at such places, as to expose the flotilla to the fire of the enemy, without a possibility of effecting a landing, or in any other way counteracting their operations, and finally defeating and capturing them?

A.—General Brown discovered, and had a block house burned, on his march with the advance. Its position was a good one, from which to assail the flotilla, in its descent of the Saut. But when our troops surprised it, it was without cannon. The enemy kept in advance of us, and I likewise understood in the woods to our left. Had they not been driven by us, they would inevitably have harassed the flotilla; judging from their disposition to skir-

If the enemy had not been driven by

General Brown, he would have harassed the flotilla.

nish with us, and from the nature of the country, it would have been impossible to land troops from the boats, and capture them; for they would either have destroyed our men in their attempt to land, or retired to the woods, where they could not have been pursued, with any degree of safety to ourselves.

3d Q.—Did General Brown communicate information of his encounter with the enemy, on the 10th, to General Wilkinson? At what hour, and by whom was the intelligence sent?

A.—I know not, when such information was sent, as I was not of the General's staff; although, I recollect to have heard, that Captain Austin, his aid-de-camp, had been despatched to the main army, with the intelligence. When he set out, or when he arrived, I know not.

4th Q.—By what time, had General Brown, with his detachment, removed all obstructions, and secured a free passage for the flotilla, down the Saut?

A.—He engaged, and drove a detachment of the enemy, at about two, or half after two o'clock, P. M. on the 10th of November, as already stated. This detachment was reported to be the advance of a strong force in our front. After dark we passed through a narrow* road, or defile, before we reached our quarters for the night. I know not, where the enemy established his; and, consequently, cannot say, with what security the flotilla could have passed, over the Saut.

5th Q.—Was a messenger despatched, to apprise General Wilkinson of this? Who was the person sent, and at what hour?

A.—I am entirely ignorant of the circumstances alluded to.

6th Q.—Have you any reason to believe, that General Wilkinson received this information on the 10th, or early on the 11th of November; if so, state it?

A.—I know nothing of this messenger; but if Captain Austin, who I understood, was despatched to General

* Through a wood, with "darkness visible," 300 men could have discomfitted the detachment.

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Wilkinson, was instructed to communicate this intelligence, he certainly could have reported at the General's quarters that night; unless prevented by some accident, or obstacle on the route.

7th Q.—From the force, and position of the enemy, on the 10th, was the detachment of General Brown necessary to protect the movement of the flotilla?

General Brown's detachment necessary to protect the flotilla.

A.—I think it was: for if the enemy's whole force, consisted of the party we engaged on the 10th, and without cannon, the flotilla might have descended the Saut; but I cannot say without a loss of lives; but if this party were only a detachment, from a stronger force, as was reported, then I conceive the flotilla would have been seriously injured, in the descent, and in great probability many lives sacrificed.

8th Q.—Do you recollect, seeing Brigadier-general Swartwout, in the evening of the 22d of February, 1814, at the house of judge De Lord, at Plattsburgh? Did not General Swartwout speak to you, about an original order, of General Wilkinson, relative to the mounting of the dragoons, and furnishing transport for the expedition down the St. Lawrence? Had not this order been received that afternoon, at head quarters, for the purpose of taking a copy for General Wilkinson? And did you not inform General Swartwout, a copy had not as yet been taken; but that you would return the original to him, the next morning by 10 o'clock?

A.—I saw Brigadier-general Swartwout, at the house of judge De Lord, in Plattsburgh, one evening in February, 1814, although, I do not recollect the day of the month. He spoke to me about an order, sent by him to General Wilkinson, which he said was very important to him, and asked me to copy, or have it copied for him. I do not recollect, his saying it was *relative to the mounting of the dragoons, and furnishing transport for the expedition, down the St. Lawrence;* although I do not say, positively, he did not say so: for the precise words of the conversation, may have escaped my memory. *That order, had not, to my knowledge, been received that afternoon,*

or at any other time, at head quarters, for the purpose of taking a copy for General Wilkinson, or for any other purpose whatever; and to the best of my recollection, I did tell General Swartwout, I would return him the original, the next morning, or by 10 o'clock the next morning, which, I do not recollect.

9*th* Q.—Have you any reason to believe, Major-general Wilkinson, ever received that order, or knew of its being received.

A.—I beg leave to object to this interrogatory. If I thought, that General Wilkinson ever had received that order, or knew of its having been received, I should have regarded his denial of such reception, as base and treacherous, and instantly relinquished the duties of his staff.

10*th* Q.—At La Cole mill, was there any unnecessary and wanton exposure, of the lives of the men? Any defect in the dispositions made for the attack, or the manner in which it was executed? Any want of cannon to effect a breach in the wall? Or were there insuperable difficulties, in bringing guns of sufficient calibre, to the scene of action?

Description of the attack on La Cole, and the difficulties attending it.

A.—I must object to this interrogatory. The lives of the men, under my immediate command, were the most exposed, and obstinacy has been attributed to me, in not having reported to the General, the weak effect of the artillery. The troops were well formed for attack. Two brigades of infantry flanked the cannon. The reserve, under Brigadier-general Macomb, was in the rear, and a detachment under the command of Colonel Miller, and the riflemen under Major Forsyth, across the La Cole, in the rear of the mill. Our musketry could have no effect on thick walls, and as to the execution of the artillery, but few shot penetrated through them. Those which did, I have since understood, struck near the roof of the building, where the wall was least thick. Had the fire of the artillery been directed from its commencement to this point, the twelve pounder might have been heavy enough; but to batter a breach, at a line below the centre of the wall, which was the lowest part we saw, in consequence of a bank in its front, heavier metal than a twelve

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pounder would be necessary: for after the action, it was discovered, that many of the shot struck the mill and rebounded; notwithstanding, the shot which did enter, obliged the enemy to attempt the charge, in which they suffered so severely. There were great difficulties, in bringing cannon of any calibre to the scene of action; the snow on the ground in many places was very deep; the march was embarrassed by a creek, over which we threw a bridge of rails; and I was under the necessity of moving, without the caisson of the twelve pounder, in consequence of the delay, occasioned by the extreme difficulty of dragging, it over a marshy field, covered with snow; and had determined to attack with the cartridges, contained in the ammunition boxes. By great exertion, however, the conductor of the caisson arrived, before the fire of the artillery commenced. After the action, I heard, that Major Pitts, of the light artillery, had been ordered on with the eighteen pounder, which had broken down in the morning, but did not succeed in coming to action, in consequence of the bad roads.

11*th Q.*—What was the number of our effective force, and that of the enemy, during the attack? And at what time in the day, did a reinforcement arrive, for the enemy?

Our effective force 3000, the enemy's 5 or 600.

A.—Our effective force, I supposed to have been three thousand. The number of the *enemy in the mill*, was rated at five or six hundred. I heard afterwards, that *a reinforcement with cannon*, the strength of which I did not learn, arrived from the Isle aux Noix, that evening, but I know nothing positively respecting it. The enemy threw many rockets, and fired cannon shot from a gun boat or galley.

12*th Q.*—What number of troops could act with effect within the mill; and how many did it actually contain, in the first of the attack?

A.—I think four hundred at least, firing with small arms; but I am ignorant of the number it contained, at any one time.

13*th Q.*—Were our troops at any time inactive, during the day, at La Cole Mill, and how long?

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Knows of no inactivity during the day at La Cole Mill.

A.—When the artillery moved to its ground, there was an ineffective fire of musketry. The brigades of Smith and Bissell, were then formed on the right, and left, of the narrow road, occupied by the battery, and did not fire, until the enemy made a charge on it, when they received from those brigades and the artillery, at the same instant, a most destructive fire. The reserve under Brigadier-general Macomb, did not engage, that I know of, at any time. The previous skirmishing, and the attack on the mill, occupied, perhaps, four hours and a half, or five hours. I do not conceive, that troops are inactive, when under arms, on the field of battle, in face of an enemy. Whether they move or not, they are, in a military sense, considered active in the line of their duty.

14*th* Q.—Did not the army retire at night; and was such retreat judicious or necessary?

A.—The army retired when it became dark. Many opinions were expressed, respecting the conduct of the action. I endeavoured to execute the orders given me, and imputed faults to no one. But if my opinion be required by the interrogatory, it is, that the army should have attempted to force a passage into the mill, and employed the bayonet,* at every sacrifice; or have renewed the attack, with heavier ordnance, at day-light the next morning: although, if the enemy had advanced, in such force, as was stated at Champlain, in general orders, and attacked us at night, it is impossible to conjecture the re-

* The dauntless spirit, and refined honour of this young officer, are notorious; but in the expression of this sentiment, he betrays a want of that judgment in military affairs, which is to be acquired by experience only. The idea of carrying, an elevated quadrangular stone building, by the bayonet, on which a twelve pounder, had failed to make an impression, is more gallant, than judicious; particularly, when it is understood, that every aperture, of this building, was barricadoed, and that it was defended, by a competent force, of veteran troops, under experienced officers. To take such a post, with small arms, has often been attempted, but never succeeded, from the time of Xenophon, who failed in such an attempt, down to the present day.

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sult of an onset on our fatigued troops. I can offer no other opinion on the subject, as I am ignorant of the object of the expedition. I judged from the general order, issued at Champlain, and the report of a deserter, who told me, that the British designed to attack us at Champlain, that the object of our march was to give battle to their army.

15*th* Q.—Were the errors, or defects, in the plans, movements, and operations of the day, imputable to the commanding general?

A.—I must object to this interrogatory, as being too general; but will answer any queries, embracing particular plans, movements, or operations of the army on that day.

16*th* Q.—Were red-hot shot used to fire the roof; and what was the success of the trial?

A.—There were not.

17*th* Q.—Do you know any other matter or thing, relating to, and material for the prosecution in the trial? If so, be pleased to state the same fully and particularly?

A.—With regard to the first and second specification, of the charge, I know nothing, except that I saw General Wilkinson, in October, 1813, at Sackett's Harbour, and thought him too sick for exposure, to the inclemency of the season. With regard to the third specification of the charge, we were not, at any time, fully prepared for the descent of the St. Lawrence, considering the lateness of the season, and the nature of the expedition. Had it been delayed, until there was no possibility of performing it, it would have been better for the country. Of the 4th, 5th, 6th, 7th, and 8th specifications of the charge, I know nothing. Of the ninth, I understood, that such councils of war, had convened, but never knew the General was suspected of the motives, attributed to him in the specification. Of the tenth specification, my opinion is, that the General exerted himself beyond the strength of his constitution, throughout the expedition. Of the eleventh specification, I know that such detachment was

made, but I think it was done on just military principles, and was necessary. I was not with the army at Williamsburgh, to observe the measures taken to defeat the enemy. Of the twelfth specification, I know nothing. The thirteenth I have already deposed to. I am ignorant of the fourteenth; have deposed to the 15th; and know nothing of the sixteenth.

The court will please to observe, I have referred to the charge and its specifications, as contained in the office of the adjutant and inspector general.

R. H. M'PHERSON,
Major Light Artillery, & Lt. Col. by brevet.

District of Columbia, Washington County, City of Washington, February 27th, 1815, Lieutenant-colonel Robert H. M'Pherson, came before me, the undersigned, and made oath, in due form, that the answers made by him to the questions contained in the foregoing sheets, attached by a seal together, are true, so far as they are stated from his own knowledge, and agreeably to his own belief.

Given under my hand, the day and year above written.

ROBERT BRENT.

General Wilkinson applies to the court, for further time to prepare his defence.

An application was made on the part of General Wilkinson, to extend the time allowed him, to prepare his defence, until Friday morning.

The court granted it and adjourned to Friday the 17th instant, 10 o'clock, A. M.

Troy, March 17th, 1815.

The court convened pursuant to adjournment.

Major-general Wilkinson appeared, and made the following defence.

CHAPTER X.

Exordium.—Preliminary remarks.—Narrative.—General Wilkinson receives orders, to assume the command at New Orleans.—Declaration of war.—Correspondence with the Secretary of War.—Order to take Mobile.—Fort Charlotte surrenders by convention, the 14th of April, 1813.—*General Wilkinson takes possession of Mobile Point.—Occupies the right bank of the Perdido.—Receives orders to join General Dearborn, at Sackett's Harbour.—General Wilkinson's letter to Secretary Armstrong, of 23d May,* 1813.—*Secretary Armstrong's letter to General Wilkinson, 12th March,* 1813.—*General Wilkinson leaves New Orleans.—State of the Creek nation, at the time he traversed the wilderness.—Arrives at Milledgeville, and writes to the Secretary of War and Major-general Lewis.—Reflections on the shameful conduct of General Armstrong.—General Wilkinson arrives at the seat of government.—Secretary of War's project, submitted to him.—His observations thereon.—The Secretary's reasoning, and reflections thereon.—The Secretary of War decides on an attack against Montreal.—Promises naval co-operation on the St. Lawrence.—Reflections on the deception of the Secretary of War.—His project of the 8th of February.—His estimate of the enemy's force in Upper Canada.—Stipulations between the Secretary of War and General Wilkinson.—Force assigned to General Wilkinson,* 14,383 *men, on paper.—Additional reinforcements promised.—Transport for* 10,000 *men, reported ready at Lake Ontario.—Ammunition, camp equipage, &c. stated to be abundant at Sackett's Harbour.—Professed objects of the Secretary of War, in travelling north.—General Wilkinson's confidence in the Secretary of War.—He leaves*

Washington.—Arrives at Sackett's Harbour.—Council of war, favours an attack on Montreal.—Wretched condition of the troops.—Deficiency of transport.—Reference to correspondence with the Secretary of War.—General Wilkinson issues orders.—Assigns the command at Sackett's Harbour to Brigadier-general Brown, and departs for Fort George.—Touches at Oswego.—Arrives at Pultneyville, in a high fever.—Lands at the mouth of Genesee river.—Proceeds to Niagara, and arrives there in exceeding bad health.—State of the troops and transport.—Running fight between the fleets.—Commodore Chauncey chases the British fleet into Amherst Bay.—Our squadron returns to Niagara, the 24th of September.—The hostile squadrons again engage off York.—Sir James Yeo driven to the head of the lake, and Commodore Chauncey prevented following him, by the weather.—General Wilkinson's suggestion to Commodore Chauncey, and his answer.—Flotilla proceeds for Sackett's Harbour.—Commodore Chauncey takes four transports, with enemy's troops on board.—Causes of delay at Fort George, known to the Secretary of War.—General Wilkinson forbidden, by the Secretary of War, to attack the enemy in his front.—The former arrives at Sackett's Harbour, much indisposed.—Secretary Armstrong's report to Congress, contrasted with facts.—Reasons in favour of the attack of Kingston.—Statement of occurrences on the 4th of October.—Correspondence with Commodore Chauncey quoted.—The Secretary of War concurs with General Wilkinson, in the attack of Kingston.—The secretary decides upon attacking Montreal.—Military axiom.—A case in point.—The secretary's intrigues with General Hampton.—He violates his stipulation with General Wilkinson.—General Wilkinson's letter of 24th August, quoted.—He invites the secretary to an interview, at Niagara.—General Hampton's contempt of General Wilkinson's authority.—The Secretary of War, in his report to Congress, garbles General Wilkinson's letters.—Military system of espionage introduced.—General Wilkinson's letter to the

secretary, respecting General Hampton's misconduct.—The military ignorance of the Secretary of War.—Unfortunate rencontre *with Colonel King, and its consequences.*

MR. PRESIDENT, AND GENTLEMEN OF THE COURT.

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Exordium.

THE case before you, however afflicting to the sensibilities of a soldier, has become too common in our history, as well as that of other nations. The conflicts of ministers and generals, appear to be the necessary consequences, of every unsuccessful military expedition; failure produces discontent, discontent murmurs, and murmurs clamour. It is supposed, there has been a fault some where, and the public curiosity must be satisfied by public enquiry. Was national benefit, the general result of such resorts, it would be well to have recourse to them, but as controversies among the servants of the government, rarely advance the public interest, they should not be permitted on slight grounds. An upright, and able minister, would prefer to rest, his political standing, on his own reputation, sooner than attempt to prop it, by the sacrifice of a zealous, faithful, but unfortunate General. Such was the conduct of Chatham, whose example, it was impossible, an Armstrong should imitate.

But my case, is, perhaps, without a precedent in the history of the world; that of a minister, of high standing, and splendid talents, seducing an officer, from an honourable command, and the fairest prospects of fame, to embark him on an expedition, unprovided with the necessary means of execution, and clogged, and fettered with insuperable obstacles; and because of its failure, to save himself from popular odium, he resorts to tricks, stratagems, and perfidy, to throw upon the shoulders of the object of his seduction, the blame, which he himself should bear. And this officer, a man with whom he had been associated, during the most interesting scenes of the American revolution; and to whom, he professed to be

bound, by the sacred ties of confidence,* and friendship. CHAP. X.

Mr. President, I disclaim high colouring, on an occasion of such gravity, and should disdain to excite the feelings, or to cheat the understandings, of my judges, were I capable. The disclosures about to be made, will test the truth of my assertions, and establish my title to credibility.

From the common anxiety, we all have felt, to conclude this procrastinated investigation, with as little delay as possible, I have undertaken to perform in twelve days, a work, which, to be well done, would have occupied a month. It must not, therefore, be expected, that I should present this defence, in that connected and prepared state, with that regularity, and complete arrangement, and analysis, of the testimony, which it was my desire to submit, to the deliberate understanding of this court, and to the sober reflections of my countrymen.

Before I enter, on the investigation of the testimony, I deem it a matter, of propriety towards the court, to state briefly, the course I shall pursue. It will be recollected, that a report, touching the merits, of that part of the campaign of 1813, in which I was engaged, was, on the call of the House of Representatives, in their session of 1813–14, *made up by my accuser*, and presented† to that honourable body; and it was admitted by the court, that, that report should be taken, as *prima facie* testimony, in the enquiry at issue. I have availed myself of this admission, to bring to the view of the court, such parts of it, as tend to explain, the motives of my actions, and the principles of my conduct, from the first order I received, in the dawn of the late war, to the termination of my command, on the northern frontier, in April last. Preliminary remarks.

I shall then proceed, to compare, and apply, the testi-

* Should General Armstrong, deny this assertion, I shall exhibit evidences of the fact, from his own pen.

† By President Madison, who thereby made himself, the vehicle of Armstrong's misrepresentations.

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mony adduced before the court, and shall conclude, with a brief summary of remarks, and deductions. In forming a judgment, upon the whole, or any distinct part, of my conduct, I flatter myself, the court will be determined by circumstances, as they appeared, at the time; by the decisions of the moment, and the apparent exigencies of the occasion; and not by an after knowledge of facts, which could not be attained, until the exigency had ceased.

NARRATIVE.

Ordered to take command at New Orleans.

On the eve of the war, which has been recently terminated, with so much eclat to our arms, and honour to our country, I received an order from the secretary of war, bearing date, the 9th of April, 1813, "to repair to New Orleans, and take command, of the troops and stations, within the territories of Orleans and the Mississippi."* The brig Enterprise, Captain Blakeley, was ordered for my voyage, and I embarked, as soon as she was equipped for sea. After a tedious passage, we arrived near New Orleans, the 9th of July, on which day, I received the following orders and advice, from the secretary of war, bearing date, the 19th of June. "*War is declared against Great Britain. You will make such arrangement, and disposition, of the* MEANS *and* FORCE, *subject to your* CONTROUL, *and adopt such* MEASURES, *as the knowledge of this event may, in your judgment, require.*"

Declaration of war, 19th June, 1813.

I am sensible, a detailed account, of the professional engagements, which occupied my attention in the south, is not strictly relevant to the case, before this honourable tribunal; yet, a brief exposition may serve to illustrate, my general conduct in command, and render justice to my zeal, and exertions, in the public service; and for these reasons, I venture to trespass on their time, the following extracts from my letters, to the honourable William Eustis, secretary of war.

Correspondence with secretary of war.

* See Appendix, No. XXV.

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"*New Orleans, July 22d,* 1812.

"The ordnance return, inclosed, will exhibit to you, the state of that department, as far as my information has reached, and I would it presented, a more agreeable aspect; the battering cannon being badly equipped, and destitute of the necessary ammunition, fixed and unfixed. You will perceive, also, we have but a small portion of ammunition, prepared for our musketry, and by the return of the 3d regiment, that the men's arms are in bad condition. The muskets, reported, at this place, are said to be damaged, but I have not had time, to make a personal inspection. The arrival of our ordnance vessels, and active industry, may, I hope, soon repair these defects, and render our situation as respectable, as our numbers may permit. July 22d, 1812.

"I am labouring to excite a spirit which may bring out, the force of the country, and if I am not deceived, by professions and appearances, I think I shall in six weeks, have fifteen hundred volunteers, in arms."

"*New Orleans, July 28th,* 1812.

"I shall secure the pass of the Rigolets* (the passage into Lake Pontchartrain) and have my eyes, at the same time, on the mouths of the Mississippi, and the bay of Mobile, the command of which, as well as the harbour of Pensacola, will be found all important, should the war progress; but these objects will cost money, and there is the rub, yet, I will do my duty, and trust to the liberality of the government." July 28th, 1812.

"*New Orleans, August 12th,* 1812.

"I have been able to discover, about three thousand six hundred, stand of arms, in the department, but they are reported damaged, and unfit for service, and this, certainly, for want of attention, as many of them are Aug. 12th, 1812.

* The Petite Coquille.

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new. In this situation, I am exerting every faculty, to make the most of my means, and, under God, I hope the event, may not disappoint my expectations. *The possession of Mobile, and Pensacola, would cure many griefs,* but, they must be held afterwards, and there is the great difficulty, yet, I do not believe it insurmountable, I *would,* indeed, *have the first place in ten days,* but dare I exercise my discretion, for the *public good,* after all my *grievous sufferings,* for having saved the nation, *from a civil war?* I will think of it, because I am ready to *sacrifice myself,* in the *cause of my country,* or in the defence of *innocent, unoffending fellow-citizens.*"

"*New Orleans, September 22d,* 1812.

Sept. 22d, 1812.

"I am still here, detained by the necessary attentions, to the reparation of the effects of the late hurricane, and the defence of the river, which must, I find, depend, chiefly, on our stationary batteries. I am preparing a *fascine work, at the Balize,* (mouth of the Mississippi) *to mount six twenty-four pounders,* four nines, and four sixes; and a *battery,* of *six twenty-four pounders,* and an *eight inch howitzer, to co-operate with Fort St. Philip,* (Placquemine) where we now have, *24 twenty-four pounders, and two howitzers, in battery,* and I shall endeavour to increase the number, *to thirty-six guns.*

"When I arrived here, we had not *a single piece, of field artillery, equipped for service.* In ten days more, I expect we shall be able, to man twenty pieces, from eight inch howitzers and twelve pounders, down to fours, and at the present moment, I trust, I have eight pieces safe, at Fort Stoddart."

"*New Orleans, December 29th,* 1812.

Dec. 29th, 1812

"The 7th regiment, is in quarters here, and, the 2d and 3d, are under orders of march, one, or both of these corps, will take post at *the English Turn,* (15 miles below New Orleans;) where I have determined *to finish the for-*

tifications, on which, thirty or forty thousand dollars, were expended several years since.

"It has been hinted to me, *that I may be recalled from this quarter*, I do not credit the report, yet, *I think proper to express the hope*, that it *may not be the case;* because I can *do more here, than elsewhere;* because it would expose me to great expense, and would separate me from my family; AND BECAUSE, MY CONSTITUTION, WOULD NOT NOW BEAR, A NORTHERN CLIME."

Whilst my attention and exertions, were thus directed to the security, of the important trust, confided to me, I received, on the 14th March, 1813, the following orders, from General Armstrong, who had been appointed secretary of war, to take possession of Mobile, then occupied by the Spanish troops, and to *assert* the *jurisdiction*, of the United States, to the river Perdido.

"*War Office*, 16*th February*, 1813.

"Sir,

Order to take Mobile.

"The law of which a copy is enclosed, is the result in part, of the late secret proceedings of Congress. I hasten to forward it to you, and to add, that you will immediately, on receipt of this despatch, proceed with so much of the force under your command, as you may deem sufficient, to possess yourself of the territory in question; and particularly of the town, and the fortress of Mobile.

"I am, Sir, with great respect,

"Your most obedient,

"And very humble servant,

(Signed) "JOHN ARMSTRONG.

"*General Wilkinson, New Orleans.*"

"*An Act, authorising the President of the United States, to take possession of a tract of country, lying south of the Mississippi territory, and west of the Perdido river.*

"SEC. 1.—*Be it enacted by the Senate and House of Representatives, of the United States, in Congress assembled,*

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That the President be authorised to occupy, and hold all that tract of country, called West Florida, which lies west of the Perdido, not now in the possession of the United States.

"SEC. 2.—*And be it further enacted*, that for the purpose of occupying, and holding the country aforesaid, and of affording protection to the inhabitants thereof, under the authority of the United States, the President may employ such parts, of the military and naval force, of the United States, as he may deem necessary.

"SEC. 3.—*And be it further enacted*, that for defraying the necessary expenses, twenty thousand dollars are hereby appropriated, to be paid out of any monies in the treasury, not otherwise appropriated, and to be applied for the purposes aforesaid, under the direction of the President.

"H. CLAY,
Speaker of the House of Representatives.

"WM. CRAWFORD,
President of the Senate, pro tem.

"*February 12th*, 1813.—APPROVED.
"JAMES MADISON."

Fort Charlotte surrenders by convention. General Wilkinson takes possession of Mobile Point.

On the 14th of April, I got possession of Fort Charlotte, by a convention with the Spanish commander, and with the very cannon and ammunition, taken at that place, I established, and endowed the battery, at Mobile Point, which has, since, destroyed the Hermes sloop of war, and protected the bay, against the cruisers of the enemy. On the 5th of May, I took possession of the right bank of the Perdido, and opened an inland communication, from thence to the town of Mobile, before unknown; and having made every practicable arrangement, for the maintenance of the ground I had taken; I sailed for New Orleans, and arrived there the 19th, when I received an order, from General Armstrong, secretary of war, of which the following is a copy.

"*War Department*, 10*th March*, 1813.

"Sir,

Order to join General Dearborn, at Sackett's Harbour.

"On receipt of this despatch, you will proceed with the least possible delay, to the head quarters of Major-general Dearborn. These are now at Sackett's Harbour, on Lake Ontario.

"I have the honour to be, Sir,
"Your most obedient,
"And very humble servant,
(Signed) "JOHN ARMSTRONG.

"*Major-general Wilkinson,*
New Orleans, or Mobile."

This letter of the secretary, had arrived at New Orleans, only ten days, before my return, of which I took a certificate, from T. B. Johnson, esq., the post-master, and answered it by the ensuing mail, on the 23d of May, in the following terms.

"*New Orleans, May* 23*d*, 1813.

"Sir,

Answer to Secretary Armstrong.

"I arrived in this city, from the Perdido, on the morning, of the 19th instant, and had the honour to receive your mandate, of the 10th of March, which had preceded me, ten days only, owing to the reiterated failures of the mail.

"However injurious it may prove, to my domestic concerns, I receive this order with pleasure, and shall obey it with alacrity, because it may furnish me, a more favourable opportunity, than I can find elsewhere, to testify to the world, my readiness to offer my best faculties, and to lay down my life, if necessary, for the honour and independence of our country.

"I am, Sir, &c. &c.
(Signed) "JAMES WILKINSON.

"*The hon. John Armstrong,*
Secretary of War."

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It will be seen, from my letter, of the 29th December, to Mr. Secretary Eustis, that, although this was an unexpected claim, on my services, *yet, as nothing is difficult to a soldier, where duty commands,* I obeyed the order with complacency, and did not waste a moment, in my preparations, to take a long farewell of the region of my preference; but, as if he doubted my willingness, to abandon Louisiana, my quondam friend, to a peremptory mandate, added the following seductive, semi-official letter, bearing date at Washington, March 12th, 1813.

"Dear Sir,

General Armstrong's letter to General Wilkinson, Mar. 12th, 1813.

"By the last mail, I transmitted you an order, to come to the north, and take a share in the more active, and interesting scenes of the war. If that order reaches you, at New Orleans, you will commit the Mobile business, to such officer as you will think, best entitled to your confidence. If it overtake you on your route, from New Orleans to Mobile, you will go on, execute promptly, and hasten to the north. Why should you remain in your land of *cypress,* when *patriotism,* and *ambition,* equally invite, to one where grows the *laurel?* Again, the *men* of the *north* and *east, want you;* those of the *south* and *west,* are *less sensible of your merits,* and *less anxious to have you among them.* I speak to you with a frankness, due to you and to myself, and again *advise,* come to the north, and come quickly. If our cards be well played, we may *renew the scene of Saratoga.*

"Yours truly,

(Signed) "JOHN ARMSTRONG."

Leaves New Orleans, 10th June.

I left New Orleans on the 10th of June, and landed at Mim's fort, on the Tensaw, since destroyed by the Creek Indians. The war, which soon after broke out with that nation, was then in an incipient state, and if I may judge from the occurrences, which took place during my journey, would probably have burst on my head, but from the knowledge the natives possessed, of my rank and charac-

ter, the audacity of my conduct towards them, and the caution with which I marched and encamped.

Arrives at Milledgeville, 5th July, and writes to General Lewis.

On the 6th of July, I announced my arrival, at Milledgeville, in Georgia, to the secretary of war, and having just heard, of the premature death of, General Pike, a former protegée, and a dear friend; and being led to believe, by the accounts I had received, that he rashly threw away his life; I gave vent to the feelings of the moment, in a hasty letter,* of the 6th of July, to Major-general Lewis, which I enclosed, *unsealed*, to General Armstrong, subject to his discretion; for he had been our juvenile friend, and military associate, in the interesting campaign, of 1777. It was impossible I should suspect, that this offering of friendship, this ebullition of sensibility, that conveys no sentiment, which shrouds no insinuation, unworthy a soldier, an hundred degrees my superior, in experience and knowledge, could have been misinterpreted to my prejudice; and secretly stored up,† to rise in judgment against me, by the man, who so late as the 12th of March, had with professed frankness, and a kind heart, desired to entwine my brows with *laurel*, and invited me to the renewal, of *the scene of Saratoga. Hallowed scene! sacred to every contemporary*, who ministered in the glorious event, which saved his country from vassallage, and ranked it among the nations of the earth. *The recollection, alone, should have saved the war worn veteran, from suspicions, disgraceful to the man of sense, and unworthy a man of honour.*

Conduct of General Armstrong.

Arrives at the seat of government.

I reached the seat of government the 31st July, and on the 5th of August, the secretary of war placed his project, of the 23d of the preceding month, in my hands, and requested my opinion of it, which I gave the next day.‡ The pressure of time, and the novelty of the subject, pre-

Project of the secretary.

* See page 115, ante.

† General Armstrong, in a letter, submitted to the general court martial, by Major-general Lewis, says this letter had been submitted to the conjunct deliberation of the first clerk, Parker, and President Madison, after which, it was sealed and forwarded to General Lewis.

‡ See page 184, ante.

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vented that maturity of judgment, which more leisure and better information, would have enabled me to exercise; yet, I have never seen cause, to regret the opinion which I then gave; and if it had been adopted, Upper Canada would infallibly have fallen, and the expenditure of blood and treasure, which has ensued, would have been saved.

Secretary adheres to his project.

The secretary answered me, on the 8th, and 9th; adhered to his project, and overruled my opinions, by making the capture of Kingston, *the main object of the campaign.* He opposes my plan for cutting up the division of the enemy, near Fort George, and reducing the garrison of Malden, as a preliminary to the attack of Kingston, and sustains his objection, on the following grounds: "*In the event of the success of such a plan, it leaves the strength of the enemy unbroken; it but wounds the tail of the lion, and of course, is not calculated, to hasten the termination of the war, either by increasing our own vigour, or diminishing that of the enemy.*"* But for the palpable conviction of the senses, no person acquainted with General Armstrong's intellectual force, would have believed him capable, of such flimsy fallacies; yet, when a minister reasons, the soldier must be dumb, and therefore, I did not reply, however conclusive the argument, *that, by "breaking down the enemy's battalions, in the peninsula," we should destroy his chief force, in Upper Canada, bruise the head, and draw the teeth of the lion; that the capture or destruction of* 2,500 *of his best troops, would impair his energies, increase our vigour, and leave Kingston, an easy conquest.* My plan being rejected, the secretary proceeds, in his letter of the 8th of August, to enquire into the preferable mode of attack against Kingston, and after weighing and balancing, advantages and disadvantages, between the direct and indirect attack, after acknowledging, that the direct attack, would be the shortest and better way, "*provided our combined land and naval forces, were competent to the object,*" he concludes, that, "*if our strength be inferior, or* HARDLY *equal, to that*

* See page 187, ante.

of the enemy, then the indirect attack must be preferred."— And thus, at the seat of government, he settles the principle of action, decides in favour of the "*march upon Montreal,*" and strengthens his arguments, by explicit *assurances,* and specific *stipulations.* In support of this plan of attack, says the secretary, "*the navy would perform its part, by preventing a pursuit by water, by clearing the river of the armed boats of the enemy, by holding the passage at Hamilton, and by giving support to the position, which he proposes to be established there;*" and, in the same letter he assures me, that if "*the enemy pursue, it must be by land, without subsistence, (except what he carries on his back) and without artillery,*" leading me to believe, that the country was destitute, not only of land transport, but of draft cattle; and after this "exposition," of a subject, which he *appeared* perfectly to understand, and of which I had no knowledge, he tells me *Kingston* is the *primary object* of the *campaign,* and that I am to "*choose between the direct and indirect attack.*" Under these circumstances, did not the minister make himself responsible, for the truth of his information, and the performance of his engagements? and in case of failure in either, let me ask, to whom should the consequent misfortunes be ascribed? —HE WHO DECEIVED, OR HE WHO WAS CHEATED? Can a military officer, entering upon a theatre of war, to which he is a perfect stranger, take a safer direction, for his government, than that of a minister, whose plans he has been called to execute;—plans, founded on information, derived from sources of intelligence, accessible to a minister only?—*And shall a secretary of war, after the official imposition of arguments and opinions, to convince the understanding of his subordinate, screen himself from responsibility for disasters, which his own advice may have produced; by a jesuitical reference, to the discretion of the officer, whose judgment he had fettered by his previous counsels?* Driven, then, as I had been, from my own project, shall I be condemned, for yielding to that of my superior, on a point, where *he possessed all the information,*

The secretary will attack Montreal.

Promises naval co-operation.

Reflections on the deception of Secretary Armstrong.

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and I none? Let candour, and truth, and justice, decide between us; I shall be content with the award.

Secretary of war's project, of Feb. 8th, 1813.

Sundry documents were attached to the project, of the 23d of July, and among them, the secretary's note of the 8th of February, submitted to the cabinet; which exhibited an estimate, of the force of the enemy, in the Canadas, and exclusive of the garrison of Malden, and the marine on Lake Erie, gave to the upper province, two thousand one hundred regular troops, scattered from Prescott to Fort Erie. These papers are worthy of record; they may be adverted to hereafter, and therefore are attached to this defence.* It will be observed, that certain stipulations were entered into, by the secretary of war and myself, in our correspondence of the 6th, 8th, and 9th, of August, which, being indispensable, to the efficient administration of the command, intrusted to me, I relied implicitly, as well, on his good sense, as his good faith, for their strict observance. How far my expectations were fulfilled, or the secretary's official engagements observed, will be shewn in the sequel.

Force assigned to General Wilkinons's command, 12,383 combatants.

To my application for a report, of our forces on the northern frontier, a return was furnished me, by order of the secretary of war,† which exhibits, in the three divisions, of Burlington, Sackett's Harbour, and Fort George, 12,383 combatants; of all ranks, present and absent, 14,832; and to this force, the secretary promised me, he should add considerable reinforcements, from the southern and middle states. To my enquiry for transport, he assured me, boats *were ready at the lake,* for 10,000 men. When I spoke of camp equipage, tools, tents, implements, and the munitions of war, generally, I was led to understand, they would be found in abundance, at Sackett's Harbour and Fort George.

Transport for 10,000 men.

Being informed by the secretary himself, that he intended to leave the seat of government, on a visit to the north, and believing that his bureau, was his proper sta-

* See Appendix, No. XXVI. † See Appendix, No. XXVII.

tion, I asked him, what were his objects, and he answered, that he intended to take a station, at Albany, Utica, or some place, near enough to the army, to enable him to furnish, with the utmost promptitude, whatever might become necessary, to favour the operations of the campaign. I barely observed, that the impending operations, under General Harrison, the menacing aspect of the Creek Indians, and other causes, might produce exigencies, to require as much of his attention, to the south and west, as to the north; but I found his mind made up, and as I had myself, no object in view, but the promotion of the public service, I could place no other interpretation, on *his* motives, or actions.

Professed objects of the secretary, in moving north.

Believing implicitly, in General Armstrong's personal friendship, not doubting his disinterested patriotism, and confiding in his knowledge of service, for every support necessary to the establishment, and maintenance, of a sound system, of subordination and discipline; I left Washington, on the 11th August, and by travelling night and day, without one moment's unnecessary halt, I reached Sackett's Harbour, the 20th, and as my duty prescribed, I submitted to the general officers there, and Commodore Chauncey, in a council of war, the views of the government, respecting the employment of the troops, which eventuated in their unanimous determination, in favour of a direct attack upon Montreal.

General Wilkinson's confidence in secretary of war.

On my arrival at this post, I called for returns of men and means, to ascertain the state of the division and its magazines; and to my surprise, I discovered, that the preparations and arrangements, necessary to the proposed expedition, *were to be commenced;* the troops were sickly, and of 2829 privates, on the ground, 1981, only, were reported fit for duty.* The dragoons were to be mounted, not a single spare arm in store, men and officers, in general, raw and ignorant, the corps disorganized and distracted, an almost total deficiency of water transport, and every department, except that of the hos-

State of the service.

Deficiency of transport.

* See Appendix, No. XXVIII.

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pital, deficient in the requisite quantity, of stores, tools, and implements. My letters to the secretary of war, of the 24th, 26th, and 30th of August, (which he has either omitted, or *shamefully garbled*, in his report to Congress, of January, 1814,) touch on these points, and therefore I will refer to them, in the appendix.*

Having issued orders, for regulating the police and discipline of the troops, and the formation, of the men and officers for action, and given the necessary directions, to the Quarter-master general, for the supply of transport, and the camp equipage, tools, stores, and implements, essential to the expedition; (Major-general Lewis being absent, on account of his health,) I assigned the command, of Sackett's Harbour, to Brigadier-general Brown, under particular instructions;† and on the evening, of the 30th of August, in high health, embarked, in a six-oared gig, for Niagara. The night becoming boisterous, I was obliged to make the shore, three leagues west of Sackett's Harbour, from whence, I, the next morning, dropped the secretary of war a note, of which the following is a copy, and I record it in this place, to manifest the zeal and solicitude, with which I looked, in every direction, to the public service, and the interests of the campaign.

Departs for Fort George, 30th Aug.

"*Shore of Ontario, 3 leagues W. Sackett's Harbour, 31st August*, 1813.

"Sir,

"I got thus far last night, and was obliged to make harbour, with my little gig. The sun is rising, and I am jumping on board a shallop, which I arrested "*en passant*," and shall be at Oswego to-night, to pursue my voyage, with a fresh crew. The wind is at N.W. by W. which will lay Chauncey along side of Sir James, by 5 o'clock, and then for it. Gods! what an eventful moment for us all. But Chauncey will triumph, and if I

* See Appendix, No. XXIX. † See Appendix, No. XXX.

am not *opposed*, by *storms* and *tempests*, the rest will follow. Farewell, yours respectfully,

(Signed) "JAMES WILKINSON.

"*The hon. John Armstrong,*
Secretary of War."

General Wilkinson arrives at Pultneyville, in a high fever.

I left the shallop, about sun-set, at Sandy Creek, and reached Oswego, in my gig, at 1 o'clock in the morning. The night was dark and cold, and I had suffered from an ague, before I made the harbour. Having given the necessary directions, for the transport of provisions, from this depot to Sackett's Harbour, and ordered the garrison of the place, to be held in readiness, for a movement, I proceeded early next morning, and reached Pultneyville in the evening, under a high fever. The next morning, the wind was adverse, and it rained, but being pressed by a rendezvous, made with the Quarter-master general, for the mouth of Genesee river, I embarked on board my gig, and reached that place, in the evening; from whence, after conferring with him, I proceeded, alone, in a light wagon, for Niagara, where I arrived, the 4th of September, under a violent affection, of my head and stomach, with fever.

Com. Chauncey in port, and Sir J. Yeo, off the Harbour.

Here, again, I met with disease, and diorganization among the troops, and, comparatively, no transport for their movement; Commodore Chauncey, wind bound, in port, and Sir James Yeo, vapouring before the harbour; our squadron got out, on the 7th, and after much manœuvring, and a running fight, the enemy got into Amherst Bay, near Kingston; and I did not hear from our Commodore, until the 18th, at which time, he lay off the Ducks, near the foot of the lake, nor did I see him, until the 24th or 25th of the month; he then presented himself, to cover my movement down the lake, but was diverted from this purpose, by the appearance of Sir James Yeo, whom he sought on the 27th, and engaged off York, the next day, and having driven his antagonist, to the head of the lake, under circumstances of weather, which forbade his following him, the Commodore return-

Com. Chauncey, falls in with, fights, and beats Sir Jas. Yeo.

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ed to the neighbourhood of Niagara, on the 30th of September, and on the morning of the 1st of October, he called on, and informed me, he was then ready, to convoy me down the lake. It occurred to me, that a more profitable course might be adopted, and I offered the suggestion to the Commodore, which I immediately put to paper, and submitted for his consideration, which he approved.* I had despatched a part of the troops, for Henderson's Bay, the day before, and followed with the rear, the 2d of October. The Commodore sailed the same day, in quest of the enemy, who again escaped him, but he fell in with, and captured five of his transports, with the flank companies, of De Watteville's regiment, two hundred strong.

Flotilla proceeds for Sackett's Harbour.

No further evidence would be necessary, to explain the causes of my delay, at Fort George, than my correspondence with my accuser, himself, the then secretary of war, John Armstrong esq., for, independent of the sickness of the troops, and the almost total want of transport, to receive them, the equivocal relation of the adverse squadrons, and their unsettled superiority, until the 28th September, combined with the weather, (circumstances well understood by the secretary) either prevented, or forbade my moving, until the hour at which the troops got under way. It will not escape the attention, of the court, that, in my correspondence, with General Armstrong, from Fort George, I indicated strong inclinations, to carry into effect, my original plan, of the 6th of July, against the corps of the enemy in my vicinity, particularly, in my letter of the 18th of September, on which, the secretary in his letter, of the 22d, of the same month,† puts a peremptory veto, by telling me *"the main object must be prosecuted."* This was a sad delusion, as respected the public service, and in regard to myself, of destructive consequences.

Causes of delay at Fort George, known to secretary of war.

I had become convalescent, before I left Fort George, but my exposure to a hot sun, in my gig, for several

* See Appendix, No. XXXI. † See Appendix, No. XXXII.

hours, the day I sailed, caused a relapse, and I reached, Sackett's Harbour, much indisposed, on the 4th of October, in the evening. I was most kindly received by my friend, the secretary of war, near the water, and conducted by himself, and some other person, to General Lewis's quarters, with whom the secretary was an inmate, for he had neither quarters, nor, even, a separate apartment to himself.

General Wilkinson arrives at Sackett's Harbour, much indisposed.

As this interview, is particularly noted, in the secretary's report to Congress, of January, 1814, by a *pretended* reference to his journal, I beg leave to contrast it, with the facts, as they truly occurred.

General Armstrong tells the Congress,	*Facts.*
1st. That General Wilkinson arrived at Sackett's Harbour, on the 4th of October, 1813, and immediately visited, the secretary of war, in company with Generals Lewis and Brown, and in presence of these officers, remonstrated freely, and warmly, against making an attack on Kingston,—urging the propriety, of passing that post, and of going directly to Montreal.	1st. Gen. Lewis and Doctor Bull, have both proved, to the court, that the secretary of war, met General Wilkinson, near the water, and conducted him to the quarters he occupied;—of course, General Wilkinson did not visit the secretary of war. General Lewis, on his oath, says, he does not remember the remonstrance imputed to General Wilkinson, by the secretary of war, nor will any person believe, such remonstrance ever took place, who will be at the pains of examining General Wilkinson's statement, to the council of war at Fort George, Sept. 26th, 1813, or his note, to Commodore Chauncey, of the 1st Oc-

Secretary Armstrong's report to Congress, contrasted with facts.

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tober, in both of which his determination to attack Kingston, is manifest.*

2d. The secretary of war differed from General Wilkinson, in opinion, but thought his objections worthy of consideration, and proposed meeting, on the day following, for that purpose.

2d. General Lewis declares, on oath, nothing of this kind happened, to his knowledge; and of course, it did not happen, as the secretary declares General Lewis was present.

3d. The meeting took place accordingly, when General Wilkinson presented the paper, marked No. 1; that marked No. 2, was by the secretary, and the opinion with which it closes, was adopted as that, which should regulate the movements of the army.

3d. General Lewis declares, on oath, no such meeting took place, to his knowledge; nor did any such meeting take place. The paper, No. 1, is authentic; General Wilkinson gave it to the secretary of war, and he retained it. The secretary read his own proposition, which he calls No. 2, and put the paper in his pocket. General Wilkinson did not examine it, nor did General Lewis; General Brown was not present; but General Wilkinson proposed, the attack on Kingston, and the secretary of war acquiesced.

Whoever is well acquainted with General Armstrong's mental organization, will scarcely believe, that he ever descended to keep, a diary of diminutive incidents; yet,

* See Appendix, No. XXXIII.

no one can doubt *his capacity*, to form a *journal* to meet any occasion.

Reasons to favour the attack of Kingston.

Before I left Fort George, the lapse of the season, the inclemency of the weather, the quantity and quality of our boats, and the health of the troops, many of whom were convalescents, had inclined me to favour, the direct attack on Kingston; but I reached Sackett's Harbour, with a mind, unfettered and open to conviction. I did believe, the capture of Kingston would conquer the upper province, and that this would satisfy the public mind; but I was ready to do, whatever my superior might recommend, and my general officers approve. In this state of mind, I offered no specific opinion, to the secretary of war, at meeting him on the 4th; but I spoke of the course to be adopted, as a matter which required conjunct deliberation; and although I did not minute down what past, I well recollect proposing, *"that we should retire to our quarters, think on the point to be attacked, meet the next morning, compare opinions and come to a conclusion."* I was therefore rejoiced, to find the secretary of war, favoured the direct attack, although under certain *qualifications*, as to the *weather*, and the *enemy's force*.

All my measures and arrangements, were, of course, pointed to that object; but on the evening of the 5th of October, I was assailed by a violent ague, followed by a fever, which debilitated me extremely, and confined me to my bed: my disease was unrelenting, and after two or three paroxysms, I found myself so much weakened, that I was desirous to retire from the command, and mentioned it to my surgeon, Doctor Bull, who, on his oath, has assured this court, that he opposed my wishes, and encouraged me, to expect a speedy recovery. In my deplorable situation, I was visited almost daily, by the secretary of war, which gave me an opportunity, to mention to him, *my incapacity to command the army, and to propose that I should retire from it; he replied, that there was no person to take my place, that I could not be spared, that I must accompany the expedition*, and flattered me,

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with assurances of a speedy restoration to strength, as my surgeon had done before.*

A constitution, which, till then, had withstood every clime, the current of my animal spirits, the unimpaired force of my mind, and my desire to render service to my country, all conspired to favour the opinions of my physician, and the secretary of war; and thus was I urged on, in my enfeebled condition, to attempt the discharge of functions, which required health, activity, and hardihood.

Correspondence with Com. Chauncey.

My correspondence with Commodore Chauncey, on the 9th of October, will evince, that Kingston was my favourite point of attack, at that time; but it may be proper to remark, that the second letter was written, in consequence of some conversation, with the Commodore, after he had received the first, respecting the difficulty of passing the harbour of Kingston, to cover a landing below; and also, should the weather prevent the traverse of the lake, with a view to ascertain, the practicability, of a safe passage down the St. Lawrence, as an alternative.

Having heard, that the idea of carrying an attack against Kingston, had become a subject of ridicule, at the secretary's quarters, and fearing the effect on the minds of the troops, I determined to check such conversation, and, therefore, sent Major Lee to him, on the 11th, with the message he has exhibited to the court, and my correspondence with Commodore Chauncey, of the 9th, for the secretary's perusal. It has been seen by the court, from the testimony of Major Lee, that on his presentation of my message, the secretary concurred with me in opinion, respecting the attack of Kingston, and, therefore, the opposition which he made to that measure, eight days afterwards, was the more unexpected, and surpris-

Secretary concurs in opinion with General Wilkinson, as to Kingston.

* A gentleman of General Armstrong's family, Mr. S——, who had observed my extreme debility, remarked to him, that I was not able to accompany the expedition; to which the secretary replied, "Oh, yes! he must; I would feed the old man with pap, sooner than leave him behind."

ing to me; but when my superior, on the spot, condemned my purpose, and proposed a different object, as the result of his own judgment, and information; when he opposed my plan, by insuperable difficulties, arising out of the *destitution* of *forage*, which I first *learned from himself;* when he recommended the attack of Montreal, as the more expedient, and safe project; and tells me that, "the plan already indicated, *besides the approbation of the President*, has received *the sanction of a council of war*,"* does he not silence my discretion, fetter my judgment, bind me down to the course to be pursued, and make himself responsible, for the consequences? Such was my impression at the time, and if I erred in judgment, when almost too feeble to stand alone, it was a personal misfortune, and a public calamity, for which, I trust, no crime will be attached to me. It was in this state of mind, that I frequently declared, at Grenadier Island, and other places, that I would give my right arm, could I feel myself at liberty, to attack Kingston; not that *my orders were positive to attack Montreal*, although I felt myself bound by the arguments, the information, and advice of the secretary to do so.

Secretary decides upon attacking Montreal.

There is no sounder axiom in military affairs, than that power, and responsibility, are coeval and co-extensive, impair the first, and you diminish the last, take away the one, and you destroy the other. I was sent into military district No. 9., for the accomplishment of a specific object, with authority, to command the *whole of the forces therein*, and under a limited discretion, to exercise my judgment, in the execution of the trust confided to me; so long as this power was inviolate, I stood responsible to the government, for every consequence; *but the moment this power was entrenched on, or any part of the forces assigned to my command, were taken away, my discretion ceased, and my responsibility was destroyed.* For illustration—my judgment inclines me to attack Kingston, directly; and to place the attempt, beyond the

Military Axiom.

A case in point.

* See Appendix, No. XXXIV.

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reach of misfortune, I propose, to concentrate my whole force; but a minister, my superior, interposes, his authority, and deprives me, of more than one-third of my army, giving to it a different destination; in this case, can I be held responsible, for the consequences? certainly not,—my discretion is annulled, and my responsibility transferred to my superior; nor can any jesuitical salvo, founded on a mere nominal discretion, to be conferred, or revoked at pleasure, absolve him.

Secretary's intrigue with Generals Hampton, and Swartwout.

But General Armstrong, had degraded my authority, in an hundred instances; and at the very moment, he led me to expect the zealous co-operation of General Hampton, and was pressing me to the blindfold attack of Montreal, he was intriguing with my subordinates,* and giving secret instructions to General Hampton, for the erection of huts, for 10,000 men, within the limits of Lower Canada.

This arrangement was concealed from me, until drawn from the Quarter-master general, on his cross-examination, before this court; and I am at a loss, how to interpret it, for on every principle of military service, and on the broad grounds of justice, of policy, of official respect, and the public good; no measure, worthy communication to the subordinate, immediately under his eye, should be concealed from the commander in chief, (real or nominal) and, more especially, an order which so deeply involved, the best interests of the army, and the country; yet in spite of the solemn stipulation, entered into anterior to my taking the command, of the northern army; in which, the secretary of war, covenants, that *"all orders to subordinate officers, should pass from the war department, to the adjutant-general, to be communicated to the General commanding the district, in which such subordinate officer, may serve;"* in spite of my earnest appeal to him, on the 24th August, immediately on my arrival at Sackett's Harbour, conceived in the following emphatic terms, "I trust you will not interfere with *arrange-*

Secretary violates, *his particular stipulation, with General Wilkinson.*

* See letter to Brigadier-general Swartwout, page 70, ante.

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ments, or *give orders*, within the *district* of my *command*, but to myself; because it would impair my authority, and distract the public service. Two heads, on the same shoulders, make a monster!" But, so impatient was the secretary, to mingle his authority with the operations of the expedition, so anxious to forestal public opinion, and secure to himself, the expected fruits of the campaign; that, in violation of his own engagements, and of my rights, as a commander, he usurped the command, the moment he entered the district; broke down my authority, intrigued with my subordinates, embarrassed my arrangements, distracted the service, discharged me from responsibility, and eventually produced the failure of the campaign.

General Wilkinson's letter, of 24th August, quoted.

Aware of the ill consequences, of his presence with the troops, and recollecting his professions at Washington, of an intention, to keep at a distance from the army; I invited an interview with him at Niagara, on the grounds set forth in my letter of the 21st August, in the printed report presented to Congress, and to enforce my request, and keep him from Sackett's Harbour, I express myself to him on the 24th August, in the following* manner, "As I shall have *no chance of seeing you here*, I hope you may indulge me, with that pleasure at Niagara, for which end, it is necessary you should be there, by the 12th proximo; here there is no occasion for you, except it be to get into a conflict, with the civil authority;" but my admonition was as void of effect, as the promises of the secretary were of good faith; he had taken his part, and treading on my heals, reached Sackett's Harbour, five days after I had left it.

He invites the secretary to an interview, at Niagara.

Secretary reaches Sackett's Harbour.

It is in proof, before the court, that Major-general Hampton, had been placed under my orders, by the secretary of war, before I left the seat of government, in consequence of which, I addressed him two letters from

* See Appendix, No. XXIX.

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Major-general Hampton's contempt of General Wilkinson's authority.

Albany,* but instead of respecting, he spurned the authority of his superior officer, and, it now appears, from his letter† of the 23d of August, to the secretary, offered his resignation, as the alternative he preferred, to obedience to my commands. This contumelious conduct of General Hampton, reduced me to the necessity of arresting, and bringing him before a military tribunal, or of seeking redress, for the outrage he had committed, on the principles of subordination and discipline, by a direct appeal to the secretary of war. For the sake of harmony, I preferred the latter course; and I, therefore, wrote the secretary from Sackett's Harbour, on the evening of the 30th of August: "*You have copies of my letters to Major-general Hampton, which I know he has received; yet I have no answer. The reflection which naturally occurs, is, that if I am authorised to command, he is bound to obey; and if he will not respect the obligation, he should be turned out of the service; because example is contagious, and sedition destructive, when sanctioned by officers of rank.*"

The secretary in his report to Congress, garbles General Wilkinson's letter.

It will be observed, that the secretary of war, in his report to Congress, found it convenient, as in many other instances, to garble the letter, from which this paragraph is taken; and thus, by the malicious suppression of a fact, to screen himself from blame, and wrong the man, whom he was bound to protect. But what was the effect of this appeal? The secretary of war, after the receipt of General Hampton's *mutinous letter*, of the 23d of August, enters into a correspondence with that officer; takes him under his own authority; breaks his own engagements to me; gives a mortal stab to military subordination, and then, with the seditious letter in his pocket, writes me on the 6th September, "*General Hampton will go through the campaign, cordially and vigorously, and will resign at the end of it.*"‡

A ready solution of the motives of the secretary, may be found in this letter of General Hampton;—he had

* See Appendix, No. XXXV. † See Appendix, No. XXXVI.
‡ See Appendix, No. XXVII.

broken faith with that officer, and to prevent the exposition of his *treachery*, he violates a solemn official engagement to me, without respect to my feelings, or the public service; for to prove that he was void of sympathy, and justice, and regardless of individual sensibilities, when opposed to his own lusts of power, it is barely necessary to say, he had borrowed from the despotism of Bonaparte, and introduced into our service, in the face of a sacred principle of the constitution, a system of secret information, and espionage, calculated to break down honour, and banish patriotism from our ranks.*

And yet, apprised as the secretary of war was, of General Hampton's hostility to me, and of his resolution not to obey my commands, he shortly after his secret order of the 16th of October, to that officer, orders me to "*give Hampton, timely notice of my approach, and of the place, and hour of junction.*" Painful as this injunction was, I felt myself bound to respect it; but in my answer† of the 3d of November, which the secretary has, also, garbled in his report to Congress, I observe: "*You desire me to* NOTIFY *Hampton, of the time and place of junction; but, as he has treated my authority with contempt, and has acted* EXCLUSIVELY, *under your orders, I wish this information could go from you*, that I might be saved, the hazard of a second insult: for I need not say to you, who have seen service, what an outrage it is, on the sensibilities of a soldier, and how radically destructive of military subordination, and the success of every military enterprise, for a subordinate to resist, or neglect, the orders of a superior. You may, however, rest assured, that in this case, my *feelings shall be silenced*, and that I will *humiliate myself*, to make the most *of this pretender*."— And yet this right honest secretary, the author of my embarrassments, and the cause of my misfortunes, was amongst the first, to censure me for not giving *explicit*

General Wilkinson's answer to the secretary of war, of 3d Nov. reflecting on General Hampton's misconduct.

* This duplicity to Hampton; this outrage of the authority formally vested in me; and this act of usurpation, all received the sanction, of the meek and amiable republican, President Madison.

† See Appendix, No. XXXVIII.

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orders, to an officer, who he knew had *disclaimed my authority*, and whom he had *taken under his own, exclusive, command.** Besides, I had not heard one word from General Hampton, nor a syllable of him, after he left Lake Champlain, except in the single instance, of his letter to the secretary of war, after his first arrival at the Four Corners, which was read to me, when confined to my bed at Sackett's Harbour.

I knew from the secretary of war, that he intended to order General Hampton, to march into Canada; but to what point, or with what specific object, I knew not, until the report to Congress was published; from which it appears, that the secretary of war, "*on the 16th October*, had peremptorily ordered General Hampton, *to penetrate Canada, and approach the mouth of Chateaugay, or other point, which shall better favour our junction, and hold the enemy in check;*" and in the same letter, he tells Hampton, "*the dragoons will pass the St. Lawrence, near the Coteau de Lac.*" In this state of things, at a time, when I knew not, where to find General Hampton, and the secretary had just *cause to believe*, that the General must, in *the execution* of his order, of *the 16th October*, have marched directly *towards Montreal*; and after he had actually designated, to General Hampton, the point of junction with the corps, then at Sackett's Harbour, under my immediate command, *which I did believe, was destined to attack Kingston*, it will be difficult to account, for the order he sent me, the 30th of October, to "*give General Hampton timely notice of my approach, and of the place, and hour of junction;*"† and still more inexplicable, will the conduct of this minister appear, when to these orders we connect the following extract from his letter to me, of the 1st of November: "*Prevost will perhaps be found, between the Coteau de Lac, and Isle Perrot; if wise, he will attempt to fight you, before your junction with Hampton.* AVOID THIS;—*leave nothing to chance, that you*

* See Appendix, No. XXXIX. and p. 74—76, ante.

† See Appendix, No. XL.

can settle on your own terms; **A JUNCTION WITH HAMPTON,** *enables you to give the law."*

If we take into consideration, that these several orders, were given before the secretary was informed, of General Hampton's movement into Lower Canada, under his order of the 16th October,* we shall labour in vain, to penetrate his motives. In that order to Hampton, notwithstanding *the secretary affected to be undetermined, whe-*

* "*Sackett's Harbour, October 16th,* 1813.

"Dear General,

"Your favour of the 12th ultimo, has been handed to me by Major Parker. The Niagara division has been *slow* in its movements: it has at length reached Henderson's Harbour, and moves this day to Grenadier Island, whither the division here, is moving also. From this point (Grenadier Island,) *we take our departure, either for Kingston, or for Montreal.* The enemy broke up his positions, before Fort George, on the 9th; burnt his surplus stores, arms, &c. and moved rapidly for Burlington Bay, which he reached on the 11th instant. Advices from the Bay of Cante, state, that he is coming down to Kingston, and that his sick and convalescent, to the number of 1200, had already arrived there. He will bring with him about 1500 effectives, and *thanks* to the *storm,* and our *snail-like movements* down the lake, they will be there before we can reach it. The manœuvre intended, is lost, so far as regards Kingston. What we now do against that place, must be done by hard blows, at some risk. The importance of the object may, however, justify the means. In the other case (an immediate descent of the St. Lawrence) the *army will make its way to the Isle Perrot,* whence we shall immediately *open a communication with you.* Under these circumstances, you will approach *the mouth of the Chateaugay, or other point, which shall favour our junction, and hold the enemy in check.* Your known vigilance and *skill,* make it unnecessary to suggest any measure of precaution, against the enterprizes of the enemy, while you remain within stroke of him. *The dragoons will pass the St. Lawrence near the Cotcau du Lac.*

"Yours, &c.

"JOHN ARMSTRONG.

"*Major-general Hampton.*"

After perusing this letter, can any man hesitate to say, that General Armstrong, the secretary of war, did not undertake to exercise the chief command, and to controul the movements of the troops, in district No. 9, on the northern frontier, in the autumn of 1813?

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ther the division at Sackett's Harbour, should attack Kingston, or descend the St. Lawrence; yet, he peremptorily orders the General, to brave the enemy, and take post on the St. Lawrence, in the neighbourhood of Montreal; and tells him, "*the cavalry will cross the St. Lawrence,* NEAR THE COTEAU DU LAC, WHERE THERE IS ACTUALLY NO PASSAGE FOR HORSES!!!* But, having sent General Hampton beyond my reach, he orders me, on the 30th of October, "*to give him (Hampton) timely notice of the place, and hour of junction;*" and two days after, informs me, I shall, perhaps, meet Sir George Prevost, "*in the neighbourhood of the Coteau du Lac, where the dragoons were to cross;*" and at the same time, orders me, to "*avoid an action with Sir George, before I have formed a junction with Hampton;*" when, agreeably to his own orders, he ought to have known it *was impossible,* such a *junction could be formed, short of the bank of the St. Lawrence,* opposite the *Isle Perrot*; a point which, according to his opinion, I could not reach, *without fighting the British general.* Combine this mass of inconsistencies and contradictions, with the order to General Hampton, "*to build huts for* 10,000 *men, within the limits of Canada,*" and the mind is bewildered, and utterly at a loss, how to interpret the views of the secretary,† on any fair grounds.

Military ignorance of the secretary of war exposed.

I crave the pardon of the court, for this tedious recital of facts, and circumstances; which, although not strictly

* Here we have another proof of this ministerial commandant's blind ignorance of the theatre of operations; he says, "*the cavalry will cross the St. Lawrence, near the Coteau du Lac,*" when in fact, there is no crossing within twenty miles of that point, the coast on the east side being generally unsettled; Lake St. Peter being above, and impassable rapids extending far below, that post.

† To those acquainted with the secretary's character, it will not appear *impossible,* that finding the season wasted and the enterprise rendered doubtful, he abandoned that prospect of renown, which he had counted upon, from a successful issue of the operation, and being disappointed himself, he determined, that others should share his disappointment with him, and therefore took measures to produce the abortion, which closed the campaign.

relevant, to the charges which brought me to their bar, may serve to explain, some of the causes of my delays, embarrassments, and misfortunes.

Unfortunate rencontre with Colonel King, and its consequences.

Leaving my departure from Sackett's Harbour, and the incidents of the voyage, to the volume of testimony before the court, I will ask leave to make a short halt at Ogdensburgh, where my *evil genius* crossed my course, in the person of COLONEL KING, *who deceived* me*, by his *assurances of General Hampton's dispositions*, and destroyed a project in embryo, which might have resulted in the reduction of Kingston, and its dependencies, and saved the subsequent expenditure of blood and treasure.

The unexpected pressure of the enemy, on my rear, the 8th of November, so contrary, to the assurances of the secretary of war, in his letter of the 8th of August, and to my reliance, on the capacity of our squadron, to prevent the pursuit, made a material change, in my situation; and but for my engagement, to meet General Hampton, at St. Regis, I should have changed the plan of the expedition. I, however, determined to take the sense of my general officers, and it was for this reason, the council of war was called, on the 8th Oct. at the narrows of the St. Lawrence. From this place, to the French Mills, the sufferings of my mind, and body, were extreme; without an hour's interval of ease from pain, chained to my pallet, and unable to mi gle in scenes, which exalt the soul; where pride, glory, honour, and duty, called me; my agonies were such, as surely ought to have saved me, from the humiliation of this day, yet, it is in proof, before this honourable court, by Colonel Pinkney and Doctor Bull, that I did not in any extremity, lose my vigour of mind. Most anxiously, indeed, did I wish, to transfer the command to other hands, but Major-general Lewis was ill, and from causes unknown to me, I discovered in the army, an insuper-

* Whether purposely or not, can never be determined positively, though the suspicion is warranted by his posterior conduct, and it appears, in his *hypocritical professions* to General S. Smith, which he *denied on his oath*, that he felt some compunctions of conscience.

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able repugnance,* to the command of Brigadier-general Boyd.

Whoever reads the letters of the secretary of war, might be led to believe, that the descent of the St. Lawrence, was to be a party of pleasure; that the inhabitants of the country, were disaffected to the royal cause, and that the army would meet with no embarrassment, in front or rear, until it approached Montreal. I refer to his letter, of the 8th of August, in the printed report to Congress, and his letter to me of the 27th of October, from which I will quote the following paragraph: "*I received your letter by Mr. Lush, the alarm of the enemy, is general, along the whole line, at every point of which he is weak. Three days ago, he called out a regiment of militia, which produced* BUT 15 MEN, 14 OF WHOM DESERTED THE FIRST NIGHT, of their service. One of these men is now here."† The testimony before this court, will furnish an ample comment on this information, and will expose its deception.

* Brigadier-general Brown, after the arrival of the army at French Mills, swore to me, that sooner than serve under General Boyd, he would resign.

† See Appendix, No. XLI.

CHAPTER XI.

In consequence of indisposition, General Wilkinson resolves to resign the command to General Hampton, on his arrival at St. Regis.—General Wilkinson applies to the Secretary of War, for leave to remove his quarters, but receives no answer.—Reflections on the conduct of the Secretary of War.—His interference with the contractor.—Authorises inferior officers, to appoint courts martial, within the limits of General Wilkinson's command.—Sanctions illegal proceedings.—His mal-arrangement of the medical staff in contradiction to his own regulations.—General Wilkinson begins to gain health, and contemplates offensive operations.—Projected attack on Prescott.—Marred by the Secretary's order, of January 20th.—Injustice, and indelicacy of Secretary Armstrong's treatment of General Wilkinson.—Is suspected of not wishing to bring General Wilkinson to trial.—System of military espionage, illustrated by Inspector Bell's report, and the secretary's letter of 23d May.—Reflections on this system, and its bad tendency.—Remarks on the general staff.—The secretary threatens those inspectors, who shall fail to make confidential reports.—The prosecution of General Wilkinson, attributed to the personal agency of Secretary Armstrong.—The conduct of Secretary Armstrong, explained by his letters and conversations.—The Secretary condemns General Wilkinson's conduct, and approves that of General Hampton.—The Secretary resumes the guise of friendship.—His misrepresentation of the force, under General Wilkinson's command.—His letter of the 15th November, contrasted with his declaration to Major Lee.—Mysterious orders of Secretary Armstrong to General Hampton.—Inconsistent with those given to General Wilkinson.—The failure of Secretary Armstrong's plans

traced to bad calculations, and his personal interference.—Letter of the 15th September, demonstrating the instability of his plans.—His intentional misinterpretation of General Wilkinson's letter.—The reports of Doctor Ross, chief surgeon of the expedition, referred to.

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In full confidence, after my interview with Colonel King, that I should find General Hampton, at St. Regis, I was encouraged to perservere in the meditated attack on Montreal; but had become so much enfeebled, by the unrelenting disease, which continued to torment me, with increased violence; that my determination was made, to resign the command to him, as soon as we met, and for this fact, I refer to the declaration of Major Lee.* Having languished, several days, at the French Mills, without a prospect of recovery, with the advice of my surgeon, I was carried in a litter to Malone; where my disease continued obstinate and acute, for several weeks; from this place, when reduced almost to a skeleton, and when hope had nearly abandoned my physician, I asked respite, from the duties which oppressed me, with leave to change my position, *to save my life;* of this application, the *humane* secretary, deigned not to take the least notice,† although Colonel King *tells the court,* he had *long before condemned me, for the failure of the campaign.*

General Wilkinson applies for leave to remove his quarters, but receives no answer.

But although my body was weak, my mind continued active, and by the vigilance of my officers, by stationary guards and heavy escorts, by ostensible preparations for offence, by deceiving the spies of the enemy, and by sending double spies to give him false intelligence, I kept him in constant apprehension; and by putting him on the defensive, protected an exposed flank, of sixty-four miles, from Plattsburgh to the French Mills, against insult. That portion of my correspondence with the secretary of war, from November, 1813, until February, 1814, which is attached to this defence, without special reference, will help to explain, how far I discharged my duty, and how

* See Appendix, No. XLII. † See Appendix, No. XLIII.

Reflections on the conduct of the secretary of war.

far he trusted me, in the conduct of the most difficult, important, and critical command, within the national limits; at the very moment he sought my disgrace, by the partial, prejudiced, and garbled report* made to Congress; by bartering official patronage,† for secret informations; by encouraging‡ the calumnies of his pimps, and panders; by whispering to members of the national legislature, that if "*the reports of several officers of rank,*" *could be credited, more than one general officer, on the northern frontier, had given himself up to intoxication,* and thus, imputing to me, a vulgar brutal habit, which, above all others, disqualifies an officer, for military trust; a habit, which it is in proof before this court, by men of rank and honour, who have served with me, many years, I have ever reprobated, discountenanced, and discouraged; and for which, it might be added, I have driven more than twenty officers, from the service. This correspondence will shew, what was my sense of the principles of subordination, and discipline, what my anxiety for the public interests, and comfort of the troops; how I struggled to maintain the first, and promote the last; and how the *despotic secretary,*§ *prostrated* all my *exertions,* as his *caprice,* his *malice,* or *impatience* of *command, inclined*

* The secretary promoted the call for the report, by informing my personal friends, that it would be favourable to me, and would expose General Hampton. Mr. Bradley, an independent, honourable man, who called for the report, was so doubtful of the effect, that he consulted a private gentleman of my acquaintance, as to the bearing, it would have on my interests. Should General Armstrong, deny the facts, I will quote my authority.

† The secretary promoted Colonels Scott, King, and Hamilton, over the heads of their superiors, after he had determined on my ruin; these officers were known to General Armstrong, to be my avowed enemies, the two first, were *informers.* King acknowledged his *turpitude,* before the court. Scott had offered the *secret stab,* but *dare* not meet the *investigation.*—See my appeal to the court, page 32, and Scott's letter to the judge advocate, page 41, of this volume.

‡ When a minister listens to secret informers, he encourages, insubordination and perfidy.

§ Supported by the blind acquiescence, of the wise and virtuous President Madison.

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him. In some instances, indeed, the secretary stretched his authority, beyond legitimate bounds, to *shew the army,* I presume, *what he dare do.* I will state a case or two, from many, by way of illustration.

On arriving at the French Mills, my first attention was carried to the department of provisions. I had witnessed the abuses, practised by the burthensome imposition of transport, on the quarter-master's department, for the interest of the contractor; the subject of contracts had become familiar to me, from twenty-five years experience, and I determined to correct the abuse, which prevailed in this quarter. I, therefore, made to the contractor's agent, the requisitions prescribed by the contract, for the deposit, and daily issue of certain quantities of provisions, at the several points occupied by the troops.* But it so happened, that by *mere accident,* the contractor fell in with the secretary of war, at his seat at Rhinebeck, and exposed to him my requisitions; in consequence of which, he undertook to supersede my authority, although unauthorised to do so, and on his own responsibility, to exonerate the contractor, from his obli-obligation to the public, and to release him, from a burthensome expense of transportation, which was transferred to the United States.†

Secretary of war authorises inferior officers to appoint courts martial.

It was customary with the secretary, also, to authorise my subordinate officers, to appoint general courts martial, as in the case of Colonel Thomas A. Smith, and Colonel Simon Larned, although the law confines the appointment of such tribunals, expressly "*to any general officer commanding an army, or colonel commanding a separate department.*"‡ The court is invited, to examine the last case, which is, probably, without parallel in military history, and certainly without example, in free governments; that of a minister of war, by a lawless assumption of power, and an "*ex post facto*" order, legalizing the illicit acts of an officer, under my command.

* See Appendix, No. LXIV.
† See Appendix, No. LXV.
‡ See Appendix, No. LXVI.

The secretary's mal-arrangement of the medical staff.

To cap the climax of inconsistencies, the secretary, in express *contradiction*, of his own *regulations*, for the government of the hospital, and medical department, printed and published in the army register of 1813, on the 26th of November, in the same year, *by an official edict*,* issued at Albany, so far inverted the order of things, as to put the physician, and surgeon general, out of the way, to subject the medical staff of the army, to the apothecary general, and his deputy; and to place the requisitions of the surgeons, on such grounds, as to expose the sick and wounded, to extreme privations and sufferings.†

Towards the end of December, I began to gain health, and early in January, contemplated making a stroke at the cantonments of the enemy, in my front, and to take possession of Cornwall, in order to cut off the communication between the upper and lower provinces of Canada; but I met insuperable obstacles, in the want of provisions. I then projected an attack on Prescott, as will be seen, from *my* letters to the secretary of war, bearing date the 7th, 16th and 18th of January, 1814, hereunto annexed.‡ For this enterprise which, from disparity of force, could not have failed, orders had been given to Colonel Bissell, and Brigadier general Brown, and all things were nearly in readiness, when I received an order, from the secretary of war, of January 20th,§ which directed me to break up the cantonment, at the French Mills, to send 2000 men, under General Brown, to Sackett's Harbour, and to fall back with the residue to Plattsburgh, where huts were ordered to be erected for their reception; but as neither time, nor the season, would permit this, I waved the orders, and found quarters for their reception in Burlington and Plattsburgh; which made a saving of 25,000 dollars to the public.

* An ordinance of the "WAR DEPARTMENT," issued under the authority of President Madison, wherever Secretary Armstrong willed—at Albany, Utica, Sackett's Harbour, or Washington City, &c. &c.

† See Appendix, No. XLVII. ‡ See Appendix, No. XLVIII.

§ See Appendix, No. XLIX.

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I had survived the inclemency of the winter, and had protected every point of my command, against insult and injury, from the superior force of the enemy. My health had increased sensibly, and the season was opening for active operations; I had escaped death from the hand of disease, and disgrace from the sword of the enemy; when the *righteous* Armstrong, having *matured his plan* of persecution, determined to carry into effect, the resolution he had long before taken, to disgrace me, if in his power; for this purpose, he recognises a letter I had written him, in November, 1813; and in March, 1814, tells me, I am to have a court of enquiry agreeably to my request, which had been forgotten; and contrary to all rule,* in such cases, he robs me of my command.

His Injustice and indelicacy towards General Wilkinson.

The documents,† to which I beg to refer the court, will exhibit the indelicacy of my treatment, on that occasion; the composition of the court of enquiry, ordered for the investigation; its change into a general court martial, at my request; the *organization* of that *court;* the *false pretext* on which *my trial was suspended;* the *arrest* which *followed;* the *secret informations* on which I was *accused;* and the *single charge,* with the *voluminous specifications founded thereon.*

I am convinced, that, it never was the secretary's intention, to give me a trial; because he was conscious, the charges against me, were founded on fictions, and that my trial, should it ever take place, would terminate in his confusion. But, wonderful are the ways of Providence! My accuser had put me on the rack, and was enjoying my tortures, when his self-confidence, his ambitious views, or his sinister designs, precipitated him into an abyss, from which it is to be hoped, for the tranquillity of society, he may never ascend.

System of military espionage illustrated.

I have imputed to my accuser, the introduction of a system of espionage, and secret informations, into the army; and in proof of the imputation, I refer the court,

* General Washington, when he ordered a court of enquiry, on General Wayne, in 1796, continued him in command of the army.

† See Appendix, No. L.

to the confidential report of MAJOR BELL, *the assistant inspector general,* A LIEUTENANT IN THE LINE, dated at French Mills, 31st December, 1813, as well as to the following letter.

"*War Department, May* 23*d*, 1814.

"Sir,

"Your letter of the 6th instant, has been received at *this department*, and will be submitted to the President, agreeably to your request.

"The charges against you, a copy of which you ask, are in the hands, and under the controul of the judge advocate, it being his duty to give to them a regular form. They are principally founded on the following *extracts of letters, or other communications made to this department:*—

"General Wilkinson's *orders* to Colonel Scott, 2d artillery,* were *unjustifiable*, inasmuch as they would have restrained and prevented the Colonel, from giving any aid to the militia, acting without the fort, in any emergency."

"Not accompanying, and directing in person, the movement of the troops, from Fort George to Henderson's Bay."

"Unnecessary delay, in moving General Lewis's division, from Sackett's Harbour to Grenadier Island, and thus occasioning much loss to the public."

"Unnecessary delay, in descending the St. Lawrence."

"Neglecting to take measures proper and necessary, for beating the enemy, on the 11th of November, 1815."

"Intoxication by means of spirituous liquors, before, and while and after passing Prescott."

* Communicated by Col. W. Scott, it is presumed, because no other person was in possession of those orders. This charge, however, was so ridiculous, that on second thought it was abandoned. It is believed, that for this "*morceau,*" and the vile charge of intoxication, Col. Scott was appointed to the command of the enterprise projected against Niagara, the beginning of January, 1814; but, like other projects of the secretary, was found impracticable, and abandoned.

† This absurdity is also imputed to Col. Scott.

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*"In leaving sundry corps, without sufficient number of efficient officers to attend to them."**

"Unofficer-like conduct, in the affair of La Cole."

"I am, Sir, very respectfully,

"Your most obedient servant,

"JOHN ARMSTRONG.

"*General Wilkinson.*"

Here then, is the evidence of *secret information, from the secretary's own pen, the authors of which, have been carefully concealed from me, and the slanderers screened from punishment,* in violation of the obligations of ordinary justice, and the fundamental principles of subordination and discipline; but I will ask, where are the *informers,* the *spies, tale bearers,* and *sycophants,* who *infested* the *streets* of *Washington,* while I, under *disease,* and *pain,* and *anguish, maintained* my *post,* at the *threshhold* of *Canada?* Of these *intriguers,* (who, to *my honour,* were *my enemies,* and to the *disgrace* of the *secretary,* were his *panders,*) *two, only, have appeared,* before you, gentlemen; and they, *in their zeal for the interests of their employer, have recorded their own turpitude,* without affecting my character. I shudder, when I reflect on the effects of a system, which subjects virtue itself, to the assassination of the seditious and profligate.

Reflections on this system of espionage, and its bad tendency.

Respecting the system of espionage, introduced into the honourable ranks of the army, by my accuser; the report of Major Bell exhibits conclusive evidence. This report was, no doubt, made up under the eyes of the officer, who immediately commanded the assistant inspector general. It shamefully garbles, and with views to my discredit, the proceedings, in the case, of the illicit general court martial, appointed by Brigadier-general Brown; it stigmatises the chief surgeon of the hospital, whose means had been destroyed, by the defective arrangements of the

* This sapient exception was also withdrawn, (after conjunct deliberation with President Madison,) from the 3d edition of the charges arrayed against me.

quarter-master general, Swartwout, and compliments the commanding general of the post, Brigadier-general Brown, *not only for what he has done, but also for what he intended to do;* and thus, by the sinister intrigues, and insidious arrangements of my accuser, a lieutenant in the line, clothed in the garb of the general staff, was authorised to stigmatise the oldest, and most meritorious officers of the army, and to degrade the most scientific men in the service, at the wink of the secretary, or upon the suggestions of his own malice, and caprice; or to promote his own interested views, or those of his favourites. Perhaps, no army, of equal numbers, in the world, was ever saddled with so inefficient, awkward, unprincipled, and expensive a general staff;—no matter, it extended the patronage of the secretary, and that was his object. He had determined, to fit the army to his latent views, and for this purpose, under the *sanctions** of his *office*, he created himself into a generalissimo; to whose absolute sway, every officer must bow, or be marked for dismission, by means direct or indirect. In his letter of the 25th November, 1813, the secretary insists on *"the secret confidential reports;"* and says *"the inspector who neglects to perform the duty, shall be dismissed the service."*†

Remarks on the general staff.

It has been said, that my present prosecution is instituted, by the executive of the government of the United States; but this I have denied and shall deny.‡ The

* The submission of President Madison, to whatever he might propose.

† See Report to Congress, Nov. 25th, 1813.

‡ The reader must allow for my embarrassment;—it is not *treason*, but it is *sedition*, to question the *infallibility* of the President. He may vest a minister with supreme authority, over the army; and this power may be exercised, most cruelly, unjustly, and unlawfully; yet the President must not be *blamed*, because the minister has *misused* his *name* and *authority*. The President, *in military affairs at least*, "can do no wrong."—Yea! should he burn the capitol, it must be ascribed to an error in judgment only;—his head may be questioned—but the fields of Bladensburgh, would silence all exception to his heart—equally conspicuous, for its virtues and its valour.

CHAP. XI.

agency of the government, is merely permitted, to sanction an investigation, demanded by myself, and to scrutinise charges brought against me, by the late secretary of war, when exercising the functions of the war department, in his own proper name. The secretary's letters, of the 23d* of May and the 9th of July, covering a charge and specifications, and more particularly, the letter of his late first clerk, Mr. Parker, of the 31st of November,† in which he produces two additional specifications, which, he says, were furnished by the late secretary of war, in July last; and the informal testimony, which he, the late Secretary Armstrong, offered to this court, by the hands of Major-general Lewis, all prove his personal agency, as my accuser; and I must be permitted to add, *my persecutor*, because there certainly can be, *no clearer definition* of *persecution*, than the *fabrication* and *preference* of *charges*, of a *heinous nature*, without a *shadow* of *foundation*, to *support them*, other than *informations*, whose *authors* dare not *avow themselves*.

The conduct of Secretary Armstrong, explained by his letters and conversations.

The guileful conduct, of the secretary, is strongly marked, in his letters to myself, of the 15th, 18th, and 25th November, and, that of the 15th of the same month, to General Hampton, more especially when combined with his conversation held with Colonel King, about the 24th November, and that to Major Lee, on the 13th December. In his letter to me, of the 15th November, from Albany, he *barely* acknowledges the receipt of my letters, of the 1st and 3d November, from Grenadier Island, and promises to wait at that city, the result of my movements, and *hopes soon* to *hear from me*.‡ In his letter, to General Hampton, of the same date, and written at the same time, (for I received the letter addressed to myself, and the copy of that addressed to Hampton, from Plattsburgh, by the same express,) he acknowledges he had received information of the action, of the 11th November; speculates, in his customary manner, on causes and effects; betrays his ignorance of the country; criminates

* See Appendix, No. LI.
† See Appendix, No. LII.
‡ See Appendix, No. LIII.

me, by anticipation, for suffering the enemy, to pursue me *by land*,* and to overtake me, encumbered with their *train* of *artillery* and *means* of *transport;* and with a perfect knowledge of General Hampton's *conduct*, he *approves it*, as far as friendly, and respectful professions, can convey approbation.—Contrast this letter, with his declaration† to Major Lee, in New York, on the 13th December, and what becomes of the secretary's candour, and consistency? About the 24th November, to Colonel King, *he condemns me altogether, for the failure of the campaign, and in a formal message to General Hampton, the same day, by the same officer, acquits him of all censure;* but on the 13th December, only nineteen days after, HE CONDEMNS HAMPTON, IN THE GROSSEST STYLE, AND ACQUITS ME IN THE HANDSOMEST TERMS. For these facts, I refer to the letter of Major Lee, attested before the court, and the testimony of Colonel King, and the secretary's letters of the 15th of November, before referred to; the copy of that to General Hampton, being in the hand writing of Colonel Atkinson.‡ His letter to me, of the 18th of November, still refers to my letter, of the 3d, from Grenadier Island, and acknowledges a *report*, of the *enemy coming up with my rear*, and driving it in, to the main body, which he *affects to discredit*. In the same letter, after several *pretty speculations*, in which difficulties are made to vanish, like mists before the sun, I am, expected, to turn about, and destroy, with a fillip, the *garrisons of Kingston* and Prescott, the *former* of which, he considers *too formidable*, to be attacked from Sackett's Harbour, with our *land* and *naval force united*, yet, from the *tenor* of this *letter*, it is apparent he understood, my *actual situation*. In his letter, of the 25th, he resumes the guise of friendship, and tells me, he had *published my letter, of the 16th, my order to Hampton, and his reply, as he "found many agents abroad, al-*

The secretary's letter of 15th Nov. contrasted with his declaration to Major Lee.

* But the enemy moved by water, and were not encumbered.

† See Appendix, No. XXXIX. ‡ See Appendix, No. LIV.

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ready, and a thousand reports, quite unfounded." Among *those agents*, he meant, I presume, to include Colonel King, to whom, he had previously *condemned me*, for the failure of the expedition. Such low cunning, and hypocrisy, is unworthy an honest man, and would disgrace a professed *charlatan*.

There remains to be exposed, one gross imposition of the secretary, in the report which he made to Congress, calculated to produce impressions, injurious to me. It will be found in the abstract of the troops, reported by my adjutant-general, December 1st, 1813. From the face of this abstract, produced by the secretary, one would suppose, that I had, at the French Mills, 8,143 men for duty, at my disposal, and such was the impression made; whereas, if, the return had been fairly stated, and the sick, and absentees deducted, my force would have been reduced to 4,482 non-commissioned officers, and privates.*

Mysterious orders of secretary Armstrong to General Hampton.

The conduct of the secretary, in relation to General Hampton, is wrapped in mystery. He orders that officer, the 16th October, to "*approach the mouth of Chateaugay river, or any other point which shall better favour our junction, and hold the enemy in check*," and this, at the moment, when the troops were wind bound, at Sackett's Harbour, and Kingston had been agreed on, as the point of attack. On the 30th October, he directs me "*to give Hampton notice, of the time, and place of junction.*" On the 1st November, *he forbids me, to give Sir George Prevost battle, or to advance on Montreal, before I formed a junction with Hampton;* and on the 12th, *he informs me, he had directed Hampton, after he knew of his falling back to the Four Corners, "to take a position which would enable him to join me, or which should detain the enemy, on the south shore of the St. Lawrence."*† Thus authorising Hampton to join me, or not, at his discretion, and then, in the face of his order, of the 1st November, he tells me, he has "*full faith that I am in Montreal.*" What a jumble of inconsistencies, and contradictions, and, yet, after

* See Appendix, No. LV. † See Printed Report to Congress.

General Hampton had suffered himself, to be repulsed, by a handful of irregulars, and had resisted my orders, the secretary *acquits him of blame*, and *condemns me for the failure of the campaign.*

The failure of Secretary Armstrong's plans traced to bad calculations, and his interference.

On the whole view of his conduct, it would appear, that the secretary of war, when he projected his expedition against Montreal, had not consulted his means, and such appears also to have been the case, when he projected the attack of Kingston, in his note of the 8th February; his failure of calculation, in the last case, produced the capture of York, and the reduction of Fort George; and if he had not intruded himself, on the army, in the fall of 1813, and interfered with my command, and perplexed my measures, Kingston and the British squadron, would have been the certain fruits, of my plans, and exertions. It appears, that after his arrival at Sackett's Harbour, his mind became distracted by the magnitude of his objects, the smallness of his means, and the lapse of the season, and that he was constantly fluctuating in his projects. As a striking proof, of the instability of his plans, it is only necessary to refer, to his change of opinion, at Sackett's Harbour, respecting the point to be attacked; to his orders of the 16th Oct. to the quarter-master general, for building huts to quarter 10,000 men, in Canada; and to the following letter to myself, dated the 15th September, 1813.

"*Brownsville, 15th September*, 1813.

"Dear General,

"I have this moment, received your letter of the 11th instant, and this will be handed you by the Commodore, who has done all that man could do, to bring Sir James to action, but without effect. He will explain to you the cause of his failure. I shall write to Bomford as you wish. One word or two, on the plan of operation. Are 8000 men* competent to seize, and hold a point, on the

* This savours of the secretary's *projects for the cabinet*, where *numbers were never wanted to consummate* his plans, however chime-

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St. Lawrence, which shall have the effect, of severing Sir George's line of communication? If a point be so seized, will not, must not, Prevost press on to dislodge it, with his whole force? He must, and what then? *Kingston and the fleet, and the new ship, are abandoned.* Other *three thousand* may pass the lake, and demolish him.

"Think of this, if you like it, chuse your party, go first, or last, *sever the communication, or take Kingston.* I have mentioned this but to the Commodore.

"Your's with much respect and attachment,

"JOHN ARMSTRONG.

"*N. B.* I am here on a dinner party.

"*Major-general Wilkinson.*"

The sophistry of the secretary of war, is no where more conspicuous, than in his letter to me, of October 20th, 1813;* in urging the immediate attack of Kingston, in my letter, of the 19th October,† as one effect of its reduction, I observe, "*we shall capture, or destroy* 4000 *of the best troops;*" *alluding to the garrison of Kingston, and all the troops at York and in the Peninsula.* In his reply, the secretary, to answer his purpose, wrests

rical; thousands sprang up, under the spurt of his pen, and thus the delusions of an arrogant spirit, cheated his understanding, and imposed on others; but he never repeated the question to me. This letter was transmitted by Commodore Chauncey, and delivered to me at Fort George, on the 24th September. The secretary, in it, betrays no exception to delays, nor uneasiness for the lapse of the season.—How could he? when he knew, I dare not move, without the protection of the squadron. It must be admitted, that loss of time, was produced by the delay at Fort George, but, then, it must, also, be clearly understood, that, that delay was occasioned, by the utterly, unprepared state, in which I found every department of the army, when I reached Sackett's Harbour, near the last of August, by the masterly manœuvres of the British squadron, under Sir James Yeo, and by obstinate adverse winds: the complaints which have ensued, were engendered afterwards, as is manifest from the testimony of Colonel King, while the secretary, still professed kindness, but plotted my ruin.

* See Printed Report to Congress. † See Ibid.

Secretary Armstrong's intentional misrepresentations of General Wilkinson's letter of the 19th Oct.

the sense of my letter, and speaking of Kingston, says, "*If the garrison consists of 4000 of the best troops of the enemy (as you suggest) your attack will fail.*" This distortion of my meaning, and misinterpretation of my language; was too obvious, not to be intended by the secretary, and too despicable for my notice.

Before I close, I must beg leave to call the attention of the court, to the reports and returns of Doctor Ross, the chief surgeon, on the expedition against Montreal, which, taken in connexion with his testimony before the court, will shew,

1st.—That a great portion of the troops, I commanded, were either struggling under maladies, occasioned by the poisonous provisions imposed on them, or so highly predisposed to diseases, as to have encumbered my movements, from day to day; and, in about twenty-five days after entering the St. Lawrence, in November, to have exhibited the shocking spectacle, of fourteen hundred sick men; which, in December, was increased to seventeen hundred and sixty-seven.

2d.—That the deleterious properties of the provisions issued to the troops, were exposed by him to Brigadier-general Brown, and the secretary of war, on or before the 18th of September, 1813, previous to the sailing of the expedition, from Sackett's Harbour, without producing any salutary effect, and that *such exposition was not made to me.*

3d.—That by the mal-arrangements, and mismanagement of the secretary of war, and the quarter-master general, Swartwout, the necessary provision was not made, for the hospital department, and that the sick and wounded were left, when in a most deplorable condition, without accommodation, comfort, medicines or stores.

The reports and returns annexed will sustain these facts, and I have only to add, that I was, for what cause I know not, kept entirely ignorant of the quality of the provisions, and the effect it produced, on the health of the men; and to gratify personal revenge, and increase the number of my enemies, it will be perceived, from the

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testimony of Doctor Ross, that the quarter-master general, endeavoured to excite his resentment against me, at the very time his ruin was determined on, in another quarter. In effect, the Doctor was dismissed the service, on the confidential report of Lieutenant Bell, the assistant inspector general; and being induced to believe, I was the author of his disgrace, he gave scope to his passions, in a letter to the secretary, of the 10th of August, in which I was the subject of bitter invective; and his restoration to office followed, on the 20th of the same month.*

And now, Mr. President and gentlemen of the court, having finished my narrative, I shall proceed to examine the charges specifically, and to contrast the evidence.

* See letter of Major Bell, adjutant and inspector general.

CHAPTER XII.

Remarks on that part of Charge first, contained in the first and second specifications of the same; and a review of the evidence applicable thereto.

1st Charge.—*Neglect of duty, and unofficer-like conduct.*

Neglect of duty, can only be refuted, by shewing acts of attention, and vigilance; and against such a charge, proofs of the general good conduct, attention, and industry, of the person accused, by those witnesses, who have been long acquainted with him, must raise a strong presumption of his innocence. A court of honour will not, on slight evidence, convict an officer of negligence, who brings proof of a long series of fidelity, and attention, to the high duties of a commander. It is a source of satisfaction, to the accused, that on a trial, which involves his military character, he is able to satisfy the court, by the testimony of numerous witnesses; that however he may have erred in judgment, in directing any of the operations, which his country has committed to his charge, he has sustained a uniform good character, as a vigilant, indefatigable and faithful officer. This is proved by witnesses, both on the part of the prosecution, and defence. To one of the gentlemen of this court, my military character has been known, from the earliest period of my public career. The unequivocal testimony of General Lewis, on the point of general character, vigilance, and indefatigable attention to the service, and to the interests of the nation, is amply supported, by the testimony of other honourable members of this court, who have served under me many years, and who have had frequent opportunities, to witness my conduct,

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both in the camp, and on the field of battle. If I had been capable of neglect, and unofficer like conduct, surely no military officer was more likely to know it than Colonel Kingsbury. Honourable testimonials, in favour of my general good conduct, and in particular of my vigilance, industry, and indefatigable attention to every branch of military service, have been borne by General Porter, General Bissell, Colonel Schuyler, Colonel Walbach, Colonel Eustis, Colonel Nicoll, Colonel Pinkney, General Macomb, Major M'Pherson, and Doctor Bull. Several of these gentlemen, have had opportunities, to witness my conduct, as an officer, for almost a quarter of a century; and all of them, have seen me in a variety of situations, where any want of attention to my duty, must have been observed and remembered. It is true, that evidence of general good character and conduct, as an officer, a soldier, and a gentleman, does not disprove a specific charge; but when the charge itself, is supported by such slender proof, as has been adduced, in support of the first charge, I might safely submit my defence, upon the evidence of my general character; but, as I do not seek an acquittal only, before this honourable tribunal, from the false, malicious, and groundless charges preferred against me—as my character has been traduced, and vilified by a *banditti*, of *public* and *private slanderers* —I owe it to myself, to my friends, and to my country, to show how utterly destitute of foundation, how entirely void of the shadow of proof, is the charge of neglect, and unofficer-like conduct, *which the malice of my accuser*, has brought against me. In the first specification of the first charge, I am accused of "unnecessarily delaying, and retarding the movement of the troops, under my command at Fort George, from that post to Henderson's Bay, or Sackett's Harbour, during the months of September and October, 1813, to the great detriment of the service; first by failing to make, or causing to be made, the proper preparations for their embarkation, and, secondly, and particularly, by causing the said troops, or a part thereof, after they had embarked, or sailed, from

Fort George, to return to the same, under a *fictitious alarm* for the safety of that post."

What is the evidence, to support the first part of the specification? In what particulars, did I fail to make, or cause to be made, the preparations, for embarking the troops? Was it for not repairing, with sufficient speed, to the scene of preparation?—The testimony of the quarter-master general, will acquit me of that. I arrived at Sackett's Harbour, the 20th of August; my order to General Swartwout, of the 25th*—my general orders of the 23d, 24th, and 27th†—the council of war held on the 26th —and other testimony of General Lewis,‡ will show that I did not remain idle, during the ten days I spent there. My going by land and water, from Sackett's Harbour, to Fort George, will certainly not prove, that I spared myself, or failed in vigilance or industry. Doctor Bull testifies, that I proceeded, after sunset, from Sandy Creek to Oswego, and, again, from Pultneyville to Genesee river, exposed to rain, in an open barge. At the mouth of Genesee river, I met General Swartwout, and although in ill health, he testifies, that I proceeded, after dusk, from thence to Niagara, in an open wagon, unattended. Had I continued my passage by water, it appears by the testimony of Doctor Bull,§ I should not have arrived at Niagara, as soon as I did by several days. On the road to Fort George, I was seized with a malady, which confined me many days to my bed, after my arrival there. Were I driven to the necessity of apologising, for not attending to my duty, I might have found ample justification, in my ill health; but I stand in no need of apologies; I only offer my sickness, as my justification, for not performing acts, which a sick man on his bed, could not possibly perform. But what, I again ask, is the evidence which convicts me, of failing to make, or causing to be made, the proper preparations for embarking the troops? My powers, as commander in

* See Appendix, No. LVI. † See Appendix, No. II.

‡ See page 126, ante, and Appendix, No. I. § See page 208, ante.

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chief, were undoubtedly extensive; but they were not omnipotent. Man can dispose and modify, by industry and skill, materials furnished to his hand; but he can neither create materials, nor controul the elements. What could be done, with the means placed in my power, by any man in my state of health, I shall shew I performed. My orders to the quarter-master general will prove, that it was the very first object of my attention, on my taking command in the district, to have transport provided, to move the troops from Niagara. It has been seen, that I arrived at Sackett's Harbour, on the 20th of August; and on the 22d of the same month, I issued an order* to the quarter-master general, directing him to lay hold of all the small craft, along the coast, to be expedited to Niagara. Three days after, I issued the order, which the quarter-master general, has taken so much pains to *perpetuate*, by placing an attested copy of *it* on the files of the war office. This order of the 25th August, so far as relates to providing transports, is as follows: "To my order of the 22d instant, respecting the providing of water transport, suitable to navigate shoals and rapid streams, I will now add my desire, that it should be made amply sufficient, to bear 7000 men, with their camp equipage, baggage, clothing, &c. two month's provisions, about twenty battering cannon, and forty field pieces, with their carriages, equipments, and 300 rounds of ammunition each; together with the stores and attirail of the ordnance, quarter-masters, medical, and other departments, essential to the accommodation, and effect of such an armament, destined to invade a hostile country. Of this transport, a sufficient quantity to receive 5000 men, and the appendages and appertenances, herein enumerated, should be held in readiness at Niagara, the 10th of next month, and the residue at this place (Sackett's Harbour) by the 15th at farthest." On the 2d of September, I met the quarter-master general, at the mouth of the Genesee river, where I reiterated my orders, for

* See Appendix, No. LVII.

the supply of transport, in the following terms: "The transport heretofore ordered, is to be procured, if practicable, being indispensable to the execution, of the views of the executive of the United States. Of this transport, a sufficient quantity to move 4000 men, with arms, accoutrements, and ammunition, their baggage, camp equipage, provisions for twenty days, fifteen battering cannon (say 18 pounders) if there, and 300 rounds of ammunition each, thirty pieces of field artillery, with 150 rounds of ammunition each, with tools, stores and implements, essential to the offensive operations of such a body, on an enterprise bold and hazardous, must be at Niagara, by the 10th or 15th instant." From these documents, it appears, that I lost no time, after my arrival within the district, in procuring transport, to remove the troops from Niagara, without a moment's delay.

Having exhibited to the court, this evidence of my activity, and attention, to prepare for the embarkation, previous to my arrival at Fort George, I shall proceed to shew, from my official acts, what was my attention, to this subject after my arrival at that post. The court, in order to appreciate, the extent and nature of the services, which devolved on the commander in chief, will please to recollect the situation of the army, and the transport on his arrival. The testimony of Doctor Mann, Major Hite, and Doctor Bull, shews, that more than one-fourth part of the troops, at that post and its vicinity, were sick; that the army was deficient in clothing, their organization defective, and their discipline loose. It will appear, from a series of orders, issued by me, on my arrival, that although sick, and unable to attend to duties, which required bodily exertion, I did every thing in my power, to prepare the troops for action, as well as embarkation. On the 10th of September, a general order was issued,* in which I stated, that *my health disqualified me for service, but that the national interests, demanded extraordinary exertions. All general fatigues,*

* See Appendix, No. LVIII.

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were directed to cease, and tenfold exertions, if possible, were to be used in repairing the boats. On the 11th, Colonel Mitchell was ordered* to make a return to Colonel Porter, of all the ordnance, and military stores in use, and in store at Niagara, immediately. On the 12th of September,† the inspector-general, with Doctor Bull, and Colonel Scott, were ordered, critically to inspect, and enrol the convalescent officers, non-commissioned officers, and privates of the camp and hospitals, and report, as soon as possible, to the general, all that description, who were able to take care of themselves. In the general orders of the 18th,‡ the troops are directed to be immediately furnished with winter clothing, and to be drilled without music, to prepare them for action. All fatigues are directed to be stopped, and the General declared his intention, to review the troops on the 21st. On the 21st September, the general orders§ directed each boat, to be furnished with a scoop, spare oars, a small mast, and truck, to receive a sail in proportion to the boat, that each company should be furnished, with a mallet, a caulking iron, oakum and pitch, a hand hammer, a gimblet, 2 or 3lbs. of nails, and a handsaw. The gentlemen commanding corps, are requested to give every assistance, in their power, for the equipment of the boats.

On the 22d, officers commanding corps, are ordered‖ to equip their batteaux, with masts and yards, as the artificer's lack time to perform the service. The General, most earnestly exhorts the gentlemen of the army, to retrench their baggage, and camp furniture, to the narrowest possible compass; as the service to which they may be soon exposed, may subject them to great privations, for the want of transport. The order closes by declaring it, absolutely necessary, that the gentlemen commanding corps, should use every exertion, to be in readiness, for the depending operations. On the 24th,

* See Appendix, No. LIX.
† See Appendix, No. LX.
‡ See Appendix, No. LXI.
§ See Appendix, No. LXII.
‖ See Appendix, No. LXIII.

the following order was issued, "the General regrets, that he should find cause of dissatisfaction, with the conduct of any gentleman he commands, but the tardy manner, in which the clothing has been drawn, and the slow progress made in the equipment of the batteaux, cannot but produce the effect. This day and to-morrow, only, can be allowed for the completion of those objects, and for the return into the public stores, of all the surplus regimental property. This order must be punctually obeyed, or consequences will certainly ensue, as painful to the General, as to the delinquent officer." By a second order on the 24th, the officers are exhorted to use their utmost industry, and exertions, to train their men, so as to give full effect to their muscular force, and natural valour, &c. On the 25th September, the corps and detachments, under orders for embarkation* are directed not to leave a man behind, capable of pushing a bayonet. 28th, The whole of the troops, except the stationary garrisons, are directed to move this day agreeable to instructions. The order of the 30th of September directs the movement of the troops as soon as the wind serves.

Without resorting to extrinsic evidence, these orders prove, at once, my great and constant exertions, to forward the embarkation of the troops, and to supply the deficiency of transport for that purpose. One single witness, alone, has been produced, on the part of the prosecution, to establish that point, of the first specification, which I am now considering. But his testimony is only matter of opinion, and is opposed by official documents, and an host of eye witnesses. The quarter-master general, swears, that he had provided transportation, for the troops at Fort George, which he *presumes* was in readiness, by the 20th of September.

The first witness on this subject, to whose testimony I call the attention of the court, is General Boyd, a principal witness on the part of the prosecution. This gentleman testified, that there was never sufficient transport,

* See Appendix, No. LXIV.

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at Fort George, and that what transport was furnished, was not in readiness, until the troops pushed off. Surely this gentleman, who was the senior officer at that post, before my arrival, and commanded the division which sailed thence, could not have been mistaken, in his testimony respecting transport. Doctor Bull, who arrived there, shortly after me, says that the transport at that place, was very trifling. Major Morgan says, that the greatest part of the transportation, was to be collected after my arrival, and that it was not in readiness, until towards the close of September. General Bissell declares, that the transport at Fort George was miserable, when I arrived; that the boats, were turned up side down on the beach, the sun had opened the seams, and they were much out of repair, and that as late as the 24th September, he remonstrated to me, on the subject, in an official letter. He further stated, that many of the boats, were repaired by the troops, and that by the exertion of the officers, they were supplied with oars. The statements of these gentlemen, is corroborated by the testimony of General Porter, and Major Hite, who declare that there was a great deficiency of transport, even at the time of embarkation; so much so, that a large quantity of powder, was left behind. Some shot, and some troops, were transported in Commodore Chauncey's squadron, and the boats which were supplied, were inconvenient, unfit for the service, and unsafe. And lastly, Major Camp, who was deputy quarter-master general, and who had the charge of that department, at Fort George, declares that the state of the transport, was very bad, and that I daily, and almost hourly pressed him, to facilitate the completion of the boats, and to have every branch of his department, in complete readiness for embarkation. Here we find the evidence, of seven witnesses of character, possessed of all the means of information, on the subject, corroborated by the general orders, already referred to, establishing beyond all doubt, the fact of a deficiency of transport, down to the time of the

troops sailing, opposed by the *solitary presumption*, of the quarter-master general. CHAP. XII.

That the deficiency in the transport, is not ascribable to any neglect of mine, has been, I trust, made to appear, by the orders which I issued, as well before, as after my arrival at Fort George. I will, however, state briefly to the court, the evidence of the witnesses, as well on the part of the prosecution, as of the defence, on the subject of my exertions. General Boyd testified, that I issued orders, to prepare the troops for embarkation, as soon after my arrival, as my health permitted. He also said, that my staff were always about me, and appeared engaged in business. He declares that he knew of no neglect, in preparing for the embarkation. Doctor Bull, who was the constant witness of my sufferings, and my exertions, declares, that I made every effort, to hasten the preparations for embarking the troops, and that there was not an hour's unnecessary delay. General Bissell is full to the same points, and General Porter testifies, that the boats at Fort George, were prepared with all possible expedition; and that the troops sailed, as soon after the boats were ready, as the wind and weather permitted. He declares with Doctor Bull, and General Bissell, that I manifested much attention, and solicitude, in preparing for embarkation, and that not an hour was lost. The journal of the campaign, kept by Captain Paige, under date of the 20th of September, states, that the whole army were employed, in preparing boats. I have already referred to the testimony, of Major Camp, the deputy quarter-master general, who witnessed my solicitude, and exertions, in the constant calls, I made on him to expedite the preparations, for the embarkation.

The court will perceive in this testimony, taken in connexion with the series of orders, issued by me, from the time of my arrival, in the district, till my departure from Fort George, that I was constantly engaged, even while on a bed of sickness, in regulating the minutest details, in the preparations for embarking the troops; nor

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will it escape the observation of the court, that in several of my orders, particularly in that of the 21st September,* I descended into minutiæ, not usual in general officers, and which nothing but my zeal, for the public service, and anxiety for the safety of the flotilla, could have prompted. I might here confidently rest my defence, against the charge of failure, in making preparations for the embarkation; but as delays did occur, beyond my expectation, I am bound to shew, that they arose from causes, beyond my controul. I may here adopt the language of my persecutor, and say, "*it*† *is not disgraceful to yield to the elements.*" Here again, that *champion of the prosecution,* the quarter-master general, *stands alone buffeting a host,* though so occupied by the multifarious duties of his brigade, and his department, *as not to recollect* "DAYS, OR DATES *for weeks together.*" He swore, unqualifiedly, on his direct examination, between the 20th September and the 4th October, the weather was generally favourable, for an expedition in boats, on the lake; but after having been two days, under examination, his confidence on this point forsook him; in answer to the 9th interrogatory, on his cross-examination, he confessed he could *not positively say,* what was the state of the weather, on the lake, between the 20th September and the 4th October. As this *sturdy witness,* thus neutralized his own testimony, on this point, he has left the prosecution without the shadow of proof. The quarter-master general, after *refreshing his memory,* was only able to raise a *doubt,* as to the *truth* of his *own testimony,* all the other witnesses, who have been examined to this point, swear positively, that the weather was bad.

In adverting to the testimony on this point, I shall connect with it another cause of delay, at Fort George, that is the situation of the two squadrons, on the lake. General Boyd testifies, that the weather was boisterous, in the month of September, except some days in the early part of it. He further said, that a short time before the main

* See Appendix, No. LXII.

† See letter of Major Lee.—Appendix, No. XXXIX.

body sailed, a detachment embarked, and proceeded a short distance, but returned without going out of the river; whether to wait for the convoy of our squadron, or on account of bad weather, he cannot say; but he is confident there was a sufficient reason, for their return. He also testifies, that from his knowledge, of the situation of the adverse squadrons, the transports left Fort George, as soon as could be done with safety. Doctor Bull testified, that the wind was high and boisterous, during the month of September, generally. General Bissell says, the troops encamped, on the beach on the 25th September, and remained there until the 28th, that they were prevented from sailing, during this time by the heavy gales, and the appearance of the enemy's squadron off the place. Major Camp declares, explicitly, that the flotilla sailed as soon after the boats were in readiness, as the weather would permit. General Porter says, the weather was generally tempestuous, and boisterous. These witnesses were all attached to the division, and as they were constantly expecting to embark, for many days previous to the, 1st of October, it is very improbable, they could be mistaken in the causes, which prevented the embarkation.

I shall conclude this part of the subject, by calling the attention of the court, to the testimony of two witnesses, which must establish the fact respecting the weather, beyond all doubt; Major Brooks from the habits of his life, being bred a sailor, could not be mistaken; a landsman when on shore, might not be able to distinguish a stiff breeze, from a gale; not so with a sailor, consequently Major Brooks speaks, at once, with accuracy and confidence, on a subject familiar to him. Other witnesses speak of high winds, and tempestuous weather. Major Brooks says, that from the 20th of September, to the 7th of October, it generally blew a gale of wind, with very short intervals. His testimony is corroborated, by the accurate contemporaneous journal of Captain Paige. By this journal, to the correctness of which, Captain Paige testifies, it appears, that on the 24th September, the New

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York militia, arrived at Lewistown, that orders were issued, for embarking the troops on the 25th, but the winds prevented their moving until the 28th, that on that day they sailed, but on turning the point of Fort Niagara, the wind was a-head and increasing, the troops were ordered to return, and the wind continued heavy a-head, through the night and the two following days. Previous to the 25th September, it would not have been possible for the whole army, to embark, had the transport been sufficient, and the weather and the enemy's squadron, permitted, without dismantling Fort George, and leaving the frontier unprotected.

It was not until the 24th, the *New York militia arrived at Lewistown.* This corps had been required by me, from Governor Tompkins, to be at Niagara, on the 10th of September,* and the secretary of war, had promised its arrival, on the day required, in his letter to me from Utica, of the 1st of September, the delay of this corps of militia, was in itself sufficient to justify previous delay at Fort George, as it was deemed necessary to protect that frontier, after the removal of the regular force. It is true, I could have dismantled Fort George, as a profitless occupancy, and I proposed it to the secretary of war, in my letter of the 20th of September; but he overruled me, as is apparent from his letters, of the 18th and 22d of the same month,† all published in the President's message, of the 31st January, 1814; and to this interference may be ascribed, the loss of Fort Niagara, and the subsequent devastation of that frontier. After this view of the testimony, on the first branch of the specification, I feel confident in asserting, that not an instance of failure of duty, in preparing the troops for embarkation, has been proved; but that from my orders to the quarter-master general, previous to my arrival, and my general orders after I arrived, at Fort George, from the testimony which numerous, and respectable witnesses, have borne to my exertions, my solicitude and zeal, in

* See Appendix, No. LXV. † See Appendix, No. LXVI.

advancing the preparations; from the incontrovertible testimony which I have produced, of the total deficiency and inadequacy of the transport; of the impossibility of going to sea with our frail and crazy boats, amidst storms and tempests, and exposed to destruction, from the enemy's squadron. The charge of delaying the movement of the troops, by any failure on my part, in making preparations for their embarkation, is shewn to be utterly groundless. The other branch of the specification, which accuses me of delay, by causing the troops, after they had embarked, or sailed from Fort George, to return to the same, under a fictitious alarm for the safety of that post, will not require much time for its refutation. To have sustained the charge, it was necessary for the prosecutor to shew, that delay was occasioned by the alarm, and that the alarm was altogether without apparent or real cause. I have already shewn, that the secretary of war, had directed Fort George to be defended. To have withdrawn the army, at the moment it was threatened, would have been unjustifiable; and if the information was such, as to obtain credit, I was bound to act on it, although it might prove to be incorrect. I cannot be convicted of the charge, even if the alarm had produced delay, unless the information which caused it, was totally unworthy of credit. The very terms in which the specification is expressed, establishes this position. The alarm, it is stated in the charge, was given by me; it could not then be fictitious, unless I knew the cause of it to be groundless; that is the true import of the word, in the construction of the charge. Is there any proof then, that I had any agency in fabricating the information, on which the alarm was given? The principal testimony on the subject, is that of General Boyd:—About the close of September, one afternoon, a deserter came in with a paper, containing information, that the enemy were either to attack us the next morning, or to move off. The fort, in the opinion of the witness, would have been endangered, had the enemy attacked after the troops had embarked; but the troops were ordered out,

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and the enemy did not appear. This precaution, may have prevented the meditated attack; but does it discredit the information which produced it, or prove the alarm to have been fictitious? That the information was brought in, and that it came from a source, which authorised the belief of it, has been proved. The paper containing the information, has been identified by Colonel Pinkney, and he testified that it came from a person, who was deemed worthy of credit; the man was known to Colonel Scott, his name was Hopkins, son-in-law to the late Colonel Strong, and an acquaintance of Colonel Kingsbury; he has since suffered death, for his attachment to the United States. But it is of little consequence, whether it was entitled to belief, or not; because the alarm caused no delay, in the movement of the troops, as has been established, beyond all possible doubt. It appears from Captain Paige's journal, that the troops had proceeded a few miles; that the wind was strong a-head, and increasing, when they were recalled. The wind continued strong a-head through the night; the fleets had been engaged, and were still so, when they went out of sight. General Boyd, in answer to the 26th interrogatory, in his cross-examination, swears that the alarm, did not retard the movement of the troops, as they got back by sunrise next morning. General Bissell says, he should have been obliged to return, if he had not been recalled, as the wind was so heavy a-head, he could not have proceeded, and it was near night; he declared it caused no delay, and that from his long acquaintance, with the navigation of the lakes, he should have deemed it prudent to return. General Porter says, the troops who had marched out to meet the enemy, were gone but two hours, and that it caused no delay, in the sailing of the expedition. To dwell any longer, on this branch of the charge, would be a waste of time; the substance of the charge is, delaying the movement of the troops, and as the alarm produced none, it must fall to the ground.

Thus stands the evidence, in relation to my conduct, from the time of my arrival at Sackett's Harbour, until

the 1st of October, when the troops sailed from Fort George. It is fortunate, that the malice of my accuser has enabled me, to place the events of this short period of my services to my country, on the records of this court. Although the witnesses, of my sufferings and my exertions, were numerous, their testimony would not have so effectually silenced, the busy tongues of my persecutors and slanderers, if it had not been embodied in the form of judicial proceedings; the world will now know, what hitherto my companions in arms, only have known—that in the midst of sufferings and distress, I spared no pains, to advance the preparations for the expedition; that not an hour of my time was lost, in idleness or self-indulgence; that every day bore witness to my exertion and my zeal, to promote the service of my country.—My orders placed on the records of the court, will prove, that I did not limit my own exertions, to the duties of a commander; they will shew, that by my persuasion and authority, the defect of artificers, was supplied by the exertions of the officers and soldiers; that the ignorance, the neglect, and defects of the quarter-master's department, were remedied by my attention to details, not within my province. But the charge of neglect, is not confined to the *time* of the departure of the troops: it seems to have been the policy of my accuser, so to frame his charges, as to embrace every mile of my march, and every hour of the campaign. The charges have been made at random, to take me flying, or to hit me at some unguarded hour, during the varied movements of an eventful expedition. I must, therefore, render to my country, an account of all my hours, to meet his sweeping accusation. I have shewn, that no delay was made in sending off the troops from Fort George—I am yet to shew, that there was none in the movement of the troops, from that post to Henderson's bay, or Sackett's Harbour. It would suffice for me to say, to this court, for the purpose of my acquittal, that not a particle of evidence has been offered, of any neglect on my part, in pushing forward the troops. I ought, indeed, to ask

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pardon, of the court, for occupying their time a moment, on this point; but, as a scrutinizing enquiry, has been made on the part of the prosecution, into every step I took, between Fort George and Sackett's Harbour, I owe it to myself, to state briefly the result of the enquiry. General Boyd was the first witness on the part of the prosecution, who testified to this point; he stated, that he accompanied "the main body of the troops, from Fort George; the night after the flotilla sailed, a tremendous storm dispersed the boats of his division, many of them were much injured, and that his own schooner carried away her foremast by the board; that he put into Eighteen Mile Creek, where a number of boats had assembled; many were on shore and wrecked, for eight or nine miles above and below the creek." The next day, I left my schooner, and went into the creek in my barge, to see what detained the boats, and to give orders to expedite them.

The witness stated, that I remained there about half an hour, and that I made every exertion, a general could do, to expedite their sailing, and that there was an incessent storm, from the time of the troops sailing from Fort George, till the time of their arrival at Henderson's Bay; at the latter place, the witness says, the troops were delayed by the most violent storm, he ever witnessed; the witness also states, that he was driven by the storm, into Oswego, and compelled to stay there, several days. General Porter states, that the weather was generally tempestuous, and boisterous, from the time the troops left Fort George, until they arrived at French Creek. Doctor Bull sailed in company with me; he testifies, that a great number of boats were wrecked, and that I was very active, in putting the flotilla in motion, that I despatched Lieutenant Becket, to examine the situation of the boats, that I went on board Commodore Chauncey, to procure the protection of the squadron, and afterwards proceeded in my gig, along the shore, to expedite the repairs of the boats. General Bissell, Captain Paige, and Major Brooks, testify that the weather during

the voyage to Henderson's Bay, was almost constantly tempestuous. All the witnesses concur, in establishing the fact, that the passage of the troops was retarded, by causes beyond the controul of man, and all who had an opportunity to witness my conduct, prove that my exertions were constant and unremitting; the correspondence between General Boyd and myself, proves, at once, the causes which produced the delay, and my own exertions to hasten the progress of the troops. General Boyd's letter to me, dated at Oswego, 6th October, 1813, gives an account of the dispersion of his flotilla, in the night of the 5th. On the 7th, I wrote to him, as follows: "Sir, I this morning, received your note of yesterday, and am shocked by the contents; yet I hope, the arrival of the quarter-master's boats, from the falls, announced to him some days since, has repaired all damages; that the troops are afloat, and may reach their destination to-day, and of course, that this letter may not find you, at Oswego." On the 12th, I again wrote to General Boyd, censuring him for his delay, and pressing him in the strongest terms, to push forward the troops to Henderson's Bay. It was in consequence of this letter, that General Boyd, on his arrival at Grenadier Island, requested a court of enquiry. I shall now dismiss the first specification, and cheerfully submit to the decision of the court, upon my conduct, during the part of the campaign which it embraces.

CHARGE 1st.—*Specification 2d.*

This allegation, being at direct variance, not only with military principles, and practices, but with the rules of common sense, sinks on its own imbecility, and requires no argument for its refutation; a military MENTOR, and the disciple of JOMINI,* should certainly have known

* Henri Jomini was a chief of battalion, attached to Marshal Ney's staff, distinguished for the compilation of a military tract, of considerable merit, entitled, "Grand Tactique, ou relation de la guerre de Sept Ans, &c." and for *deserting his colours* and joining the enemies of his patron Bonaparte. General Armstrong, emulous of the character of a great captain, soon after the declaration of war, published

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better, than to impute to the commander of an army, as a crime, the omission of duties, inapplicable to his station, or the non-performance of a task, impracticable in its nature; every drummer in the army knows, that military movements in detachment, are led by subordinates, while the chief gives directions to the whole. The idea of an individual officer, accompanying the movement of an hundred and fifty boats, of various dimensions and equipments, some coastwise, and others, by the direct voyage from Fort George to Sackett's Harbour, in the tempestuous month of October, is worthy of the late secretary of war, because it implies powers of ubiquity, and a controul over the elements. Was this charge worthy refutation, I might say in my vindication, that having set the division at Fort George, in motion, my next

a small duodecimo of 71 pages, which he styled, "Hints to Young Generals, by an Old Officer," and dedicated it to "The American Military and Philosophical Society," with the endorsement of "Grand Tactics." The acknowledged superiority of, General Armstrong's, talents and information, leaves no other apology for his barefaced plagiarism in this instance, but his ignorance of the art of war, which cannot be acquired but by experience. General Armstrong's military science and aptitudes are not denied, but it is impossible a man should become a practical chief, who never flanked a section, faced a platoon, or mounted a guard. The borrowings from Jomini are spread throughout the book, and are little varied from the correct translation in many places. The diagrams do not differ essentially but in the points of reference, and by comparing the two books, the following comparisons, will satisfy the reader's curiosity.

Armstrong's "Hints."	*Jomini's "Grand Tactique."*
Page 8 line 14,	vol. i. page 550 line 6,
Do. 6 do. 5,	do. 294 do. 6,
Do. 7 do. 25,	do. 291 do. 16,
Do. 18 do. 11,	do. 292 note,
Do. 23 last line,	do. 545 line 9,
Do. 25 line 15,	do. 534 do. 8,
Do. 27 do. 1,	do. 546 do. 15,
Do. 31 do. 1,	do. 241 do. 7,
Do. 53 do. 1,	do. 244 do. 5,
Do. 16,	vol. ii. do. 205,
Do. 17,	do. 210,
Do. 56, &c.	do. 211, &c.

duty was to hasten down to Sackett's Harbour, to examine the state of preparations there, and, (putting the secretary of war out of sight, where he ought to have been) to concert future operations, with Commodore Chauncey, and my general officers. The court are apprised of the circumstances, which attended the voyage of the division from Fort George, and need no extraneous aid, in the formation of a clear judgment, on the merits of this specification.

CHAPTER XIII.

Remarks on that part of Charge first, contained in the third and fourth specifications, and the evidence applicable thereto.

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CHARGE 1st.—*Specification 3d.*

The third specification, charges my neglect of duty, to consist "in losing much time, unnecessarily, and to the great injury of the service, during the month of October, 1813, at Sackett's Harbour, and in the movement of the troops, under my command, from that post to Grenadier Island, and, particularly, in causing the said troops, or a part thereof, after they had embarked, or were prepared for embarkation, for Grenadier Island with their stores, artillery, provisions, &c. on pretence of making new arrangements, thereby losing the period, most fit for the said movement, as to time and weather, causing the actual movement to be made, under circumstances bringing with them, great delay, embarrassments, and public loss, and, also, greatly tending to prevent a successful prosecution of the expedition, for which the said troops were destined." These accusations require a full discussion, and, therefore, it is necessary I should retrace my conduct, from the time of my entering the district, to take on myself the command, confided to me by the executive.

On my arrival at Sackett's Harbour, the 20th August, I found no preparations had been made, for a descent upon the enemy, nor could I discover that *any idea existed, of a meditated expedition.* The troops were, almost, to a man raw, half-naked, and undisciplined. The transports insufficient to bear more than six hundred men.* An armament of gun boats, was to be created, for we had

* See Appendix, No. LXVII.

not one in service. The dragoons to be mounted and equipped, and the artillery to be equipped and furnished with ammunition. Here I shall, again, refer to my official conduct, to prove my zeal and exertions, in making preparations for the expedition. The second day after my arrival, and as soon as I had examined the materials, collected at that post, I issued a general order* announcing my appointment, to the chief command, and instructing the officers and men in the first principles of their duty. I required from the Major-general, commanding the division, reports and returns, as speedily as possible, to embrace every department, viz. 1st.—The state of the division in relation to men, arms, clothing, and accoutrements, to distinguish accurately, the men fit for duty, the thorough convalescent, and those deemed too feeble for the duties of the campaign. 2dly.—A return of ordnance, military stores, and ammunition. 3dly.—Quarter-master's stores, tools, and implements, to include forage. 4thly.—Medicine and hospital stores, instruments and furniture. 5thly.—Transport by land and water, including equipments, and exhibiting their fitness, for immediate service. 6thly.—Clothing and equipments for man and horse. 7thly.—Camp equipage. 8thly.—Provisions, and contractor's stores, with their means of transport.

On the 24th, after reviewing the troops, I issued an order, in which I pointed out, the defects of their discipline, and enjoined it on them to pay immediate attention, to the most necessary acquirements. I directed them to be instructed in the expert use of their arms, and a uniformity of pace in every movement. To form the column, and display it with celerity and correctness. To change front, to right and left by battalions, or brigades, with promptitude and good order, and to preserve the line in the front march. On the 25th,† I gave instructions to the quarter-master general, reiterating my verbal orders, to mount the whole of the dragoons with

* See Appendix, No. II.

† See Appendix, No. LVI.

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the utmost despatch, to provide water transport, sufficient to bear 7000 men, and every thing essential to their accommodation, and also for two month's provisions.

That part of the transport, which was designed for the troops at Fort George, to be in readiness at the former place, by the 15th September, at farthest; as this order has already been introduced, I need not now recite it at large. I will only remark, that the transport for provisions and stores, for the army, for two months, was directed to be provided, exclusive of what was required to convey the troops, their ammunition, camp equipage, and baggage. My general order, of the 26th,* instructs the officers how to post the guards of the camp, A DUTY OF WHICH I FOUND BRIGADIER-GENERAL BROWN ENTIRELY IGNORANT, and the same day, a council of war, was holden, to decide on the point against which the expedition should move. The general orders, of the 27th, directs the officers on post, and of the day, to instruct the centinels, individually, in their duty.† And the order of the 27th,‡ declares the extent of a centinel's power, and gives directions for the discharge of the several parts of his duty. My instructions to General Brown, who was to be left in command, during the absence of General Lewis, bear date the same day, and the court will observe, entered into minutiæ respecting the preparations for the expedition, and prove that my mind, was constantly and entirely, engaged in forwarding these preparations at all points, and in every direction. A variety of other objects, which could not fall within the scope of the daily orders, and among them the department of intelligence,§ occupied my attention, during the few days of my stay at Sackett's Harbour, in August. Generals Lewis and Ripley, who witnessed my conduct, during that period, bear ample testimony to my zeal, activity, and attention to every branch of the service.

* See Appendix, No. II.
† Id. ibid.
‡ Id. ibid.
§ Id. ibid.

On my return to Sackett's Harbour, from Fort George, it has been proved by Doctor Bull, General Lewis, and Colonel Walbach, that my health was extremely bad; Doctor Bull swears, I expressed to him, my fears, that I should not be able, to remain in command; but that he encouraged me to expect, a speedy recovery. Certainly, under these circumstances, I could not without dishonour, withdraw myself, by a peremptory relinuqishment of the command, from the toils and perils of an enterprise, which I had been called, from the extremity of the continent, to conduct. The secretary of war was on the spot, the eye-witness of my sufferings and my exertions; he could judge, as well as myself, of the probability of my recovery, and my capacity to command.

If that gentlemen, had attended this court, agreeably to my desire, I should have proved, that I consulted him, on the subject of my health, and that he opposed my wishes to retire, and give up the conduct of the expedition. As the organ of the executive, he had called me to the command, and if he had believed that the state of my health, disqualified me to continue it, it was his duty to have declared his opinion to me. It was not for me to insist on my incapacity, to continue the command, while my physician gave me reason to expect a speedy recovery, and while the secretary was a daily witness, of my condition and unceasing exertions, without expressing an apprehension for the one, or dissatisfaction with the other.

I shall now proceed to examine the testimony, in relation to the charge of losing time, unnecessarily, at Sackett's Harbour, in the month of October, and in the movement of the troops from that post to Grenadier Island.

I might rest my defence, against the accusation contained in this specification, on the testimony of the late secretary of war himself. It is an extraordinary fact, and exhibits a sort of original trait, in the human character, that this minister should have been, at once, my persecutor and my apologist. He makes *official* charges which he *unofficially* declares to be false; he accuses me

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to Congress, and charges me before this court with delays, which he declared to Major Lee, and to Major Lush were produced by the storms of October. To one of those gentlemen, he says, *he never expected me to succeed in the expedition, without the co-operation of Hampton, and that it was not disgraceful, to yield to the elements;* to the other, *that the expedition had been delayed a month, by the inclemency of the weather, and he was fearful it would be delayed longer, by the same cause.* The latter declaration was made, at the very time, when I am charged with delay, and in the vicinity of the scene of action. He was at Sackett's Harbour, when I arrived—he saw me land and waited on me to his lodgings—he daily conversed with me on the objects of the campaign—often embarrassed my operations with his opinions—not unfrequently interfered with my command; but never suggested that I was losing time, unnecessarily, or that the movement of the troops, was retarded by any want of exertion, on my part. He had taken it upon himself, to direct the embarkation of the provisions; he had agreed with Commodore Chauncey, without consulting me, to transport Colonel Scott's regiment, from the mouth of Genesee river, *when, in fact, the Colonel was in a different quarter;** he eventually decided on the destination of the expedition, in opposition to my judgment; and if he had believed, there was any unnecessary delay, he would certainly have advised, if not directed, the movement of the troops. Whatever might have been my own opinion, of the prudence of pushing off the troops, on my first arrival at Sackett's Harbour, it cannot be doubted, that I should have been controuled by the orders of the secretary; as it has been testified by General Lewis, that I always considered, *the military advice of a superior tantamount to an order.* I have, however, a more substantial defence against the accusation, than the opinions of the late secretary. The lateness of the season, the storms and tempests, the broken and disor-

* See correspondence with Commodore Chauncey, Appendix, No. XIII—XXIII.

ganised condition of the army, the uncertain state of the adverse fleets, and the deficiency in the preparations, afford me ample justification, for the delays with which I am charged. All the witnesses, not excepting the quarter-master general, agree in their testimony, that for a number of days subsequent to the, 8th of October, a violent and almost incessant storm, prevented the possibility of navigating the lake, with such boats as were furnished to transport the army.

It would be a waste of time, to repeat, in detail, the testimony of the witnesses on this point; but to the mass, contained in the records of the court, may be added, that of the secretary of war, in his official letter to me, dated at Sackett's Harbour, 19th of October, contained in the printed documents transmitted to Congress: "Admonished (says he) as we are by the storms, which have assailed us, for ten days past, and which have not yet ceased." General Swartwout *alone* swears, that the embarkation took place, three or four days after the storm ceased, in which he is expressly, and most pointedly contradicted, by all the other witnesses. The quotation from the secretary's letter proves, that the storm still continued on the 19th; General Swartwout swears, *that the storm lasted six or seven days only;* the secretary says it had already *continued ten days, and had not yet ceased.* If these inaccuracies had occurred, in the testimony of a more dispassionate witness, they might have been passed over without notice; but this gentleman seems to be *always disposed, to swear differently from other people;* yet this witness, on his cross-examination, testified that I issued orders at Sackett's Harbour, to accelerate the movement of the troops to Grenadier Island, and that several attempts were made to sail, which were defeated by the storms. General Lewis testified, that on the 18th, 19th, and 20th, the troops which attempted to sail were dispersed; that on the 19th, Colonel Macomb's regiment made the attempt, and were so entirely dispersed, that not more than five or six boats got back to their moorings; that on the 18th, a boat was sent by

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General Lewis, to assist some of General Covington's boats, and that she perished with one or two of her crew. The tempest commenced on the 8th, and there was no time between the 9th, and the night of the 20th, in which the expedition could have sailed in safety; the principal embarkation, was on the morning of the 21st, and in the afternoon of that day, General Lewis himself embarked. General Swartwout *agrees with the other witnesses*, that a great number of the boats were wrecked and lost, in their passage from the Harbour to Grenadier Island, and the whole flotilla were so dispersed, as to require several days to collect and repair them. I shall very often have occasion, to point out the inconsistency of this gentleman, with himself as well as with other witnesses. I will not dwell any longer on the testimony, in relation to the length of the storm; but having reduced the delay and loss of time, to the narrow compass of four days, which elapsed between my arrival and the night of the 8th of October, I will claim the indulgence of the court, in taking a view of the causes which concurred, to prevent the movement of the troops, during that period. I will first call the attention of the court, to the testimony in relation to the weather, in which it is not to be denied, there is some diversity. General Swartwout thinks, that the weather was good, on the 5th, 6th, 7th, and 8th; General Lewis thinks it was good, on the 4th, though he says it blew fresh into the Harbour: he says the wind was high on the 5th, and questions whether the row-boats would have got out, without great difficulty; on the 6th, the wind was strong a-head, and the fleet came in with a spanking breeze; he does not distinctly recollect, how it was on the 7th; on the 8th it was hazy and threatening, and began to rain and blow hard towards night.

The diary of Captain Paige, appears to have been very accurately kept; and as he was on the lake, with the division from Fort George, his observations on the state of the wind and weather, are certainly more to be relied on, than observations made by gentlemen on shore. On the

4th of October, we find the following entry in his journal: "Sail early, wind fair; towards night, appearance of a squall, wind increasing; arrive at Oswego a little after 11 P. M.; 5th, about 1 A. M. a very severe storm, and gale; some of the boats wrecked during the night; wind continues through the day; 6th, wind continues; 7th, the principal part of the boats arrive at Oswego: from the 8th to the 13th, the wind was high, and a great proportion of the time, the weather was cold, and disagreeable." Colonel Totten, who also kept a diary from the 6th of October, says the wind blew hard from the west on the 7th, and continued blowing, violently, until the 15th.

Major Brooks, from having been bred a sailor, would be more likely than a landsman, to make accurate observations. He arrived at Sackett's Harbour on the 7th. This circumstance furnishes data, for his remembrance of days, and he swears, that it blew a gale of wind, with very short intervals, from the 20th of September, to the 7th of October. General Porter, says, the weather was tempestuous and boisterous, from the time of the expedition sailing from Fort George, till its arrival at French Creek. General Ripley, Colonel Walbach, and Colonel Eustis, give substantially the same testimony. From this view of the testimony, it does appear, that the winds were high, from the *fourth* to the *eighth of October*, and that at Sackett's Harbour they were generally a-head. There is no difference in the testimony. General Swartwout was asked, whether he would speak confidently, respecting the weather, and answered the interrogatory, by saying he thought it was good. Even this most *positive* witness, does not speak *positively* in this instance; and let it be remembered, that most of the boats were slightly built, small, without decks, and deeply laden; the artillery scows, as experience proved, were incapable of keeping the lake, with a heavy surf and high wind.

But admitting, that the weather from the 4th to the 8th, had been such as to allow boats, to put out, it remains with the court to decide, whether other circum-

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stances, sufficient to account for the delay, have not been proved. Was the army, in a condition to push forward, into a hostile country? Was the division of troops at Sackett's Harbour, organized and fitted, in all respects to take the field, and give battle to an enemy? General Swartwout answered this question, by referring to General Lewis. He waved giving an opinion, and declared he did not know the fact. General Lewis testified, that the regiments and corps were much divided, between Sackett's Harbour and Fort George. Colonel Walbach swears, that the corps, comprising the two divisions of the army, were much broken and deranged, and that the re-union of the corps and their arrangement into brigades, which was done by general orders, on the 9th,* was a necessary preparation for their embarkation.

But on this subject, and before a court of experienced military commanders, I need not have called for the opinion of the adjutant general. The embarkation of the army, previous to the re-union of the corps, and the organization of the brigades, would have been too repugnant to every professional principle, and might have produced fatal consequences, as will be readily conceived by every gentlemen of the court. The quarter-master general, *was equally shy* in answering another interrogatory. When desired to say, whether any advantage would have been gained, to the meditated expedition, in point of time, in comfort and convenience to the troops, or economy in the consumption of stores and provisions, by moving the division from Sackett's Harbour, to Grenadier Island, before that expected from Fort George, was in readiness to accompany it, he could only answer, *that it was impossible for him to say.* It is most extraordinary, that this gentleman should be unable to say, whether any time would be gained by moving the troops from Sackett's Harbour, after having repeatedly swore, that time was unnecessarily lost by remaining there; and it is equally extraordinary, that a Brigadier-general, at the head of

* See Appendix, No. III.

the staff, as well acquainted with the situation of the two divisions of the army, as General Swartwout *ought to have been*, could not make up an opinion, upon the expediency of moving the troops, from Sackett's Harbour, before the division from Fort George arrived in that neighbourhood.

It was well known, on my arrival at Sackett's Harbour, that Boyd's flotilla had been dispersed by the storms, and the boats stranded along the coast of the lake. The quarter-master general, was called on to supply transport, to replace the lost boats; he has testified, that one-third of the transports were destroyed; he had forwarded boats to Oswego, and artificers and materials to Henderson's Bay. It was a fact of universal notoriety, that some of the troops, in consequence of the loss of their boats, had marched from Sandy Creek by land: in this state of dispersion and confusion, it must have been impossible, to assemble the scattered fragments of the division, in the vicinity of the general rendezvous, for many days. At Sackett's Harbour, the troops were encamped, as comfortably as the weather would permit, and were improving in discipline. The transports were in a safe harbour, and the provisions and stores not subject to waste and dilapidation. In all these respects, the situation of the army, must have been altered for the worse, by moving to a bleak and desolate island, unsheltered from the tempests, and unprotected from the incursions of the enemy; and these disadvantages, would have resulted from the movement, without gaining a moment's time, or advancing the expedition an hour, towards its ultimate destination.

After the full exposition, which the witnesses have given, of the situation of the division from Fort George, this court cannot be at a loss in deciding, whether it would have been expedient, to send forward the troops from Sackett's Harbour, immediately after my arrival there, independent of the opinions, which officers of experience, who were on the spot, at the time, have given.

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If the court could doubt on this subject, *the testimony of General Lewis, Colonel Walbach, and Colonel Eustis, would be entitled to particular consideration.* The first of these gentlemen, gave a decided opinion, that no advantage would have been gained, by moving the troops from the Harbour, anterior to the arrival of the other division.

The adjutant general says, the necessary arrangements for organizing the army, could not be made, until the division from Fort George arrived; he states, unequivocally, that there was no unnecessary delay; Colonel Eustis declares, that there were sufficient causes for delay, besides the bad weather; other witnesses, among these General Porter, have stated in general terms, that there was no unnecessary delay at Sackett's Harbour.

It is stated in the charge, that the troops were prepared for sailing, at the time of my arrival. I have already shewn, by the testimony of General Lewis, and Colonel Walbach, that this assertion is not *altogether true.* The army was not organised, for action, nor was it possible they could be, till the division arrived from Fort George. It was not, however, in this respect alone, that the preparations were incomplete.—Here again, General Swartwout signalizes himself, by his zeal to sustain the charges; he swears, that pursuant to orders, previously received from me, he had provided boats and other transportation, adequate to the removal, of General Lewis's division of the army, by the 1st of October; and that by the 4th of October, every thing was in complete readiness. There is a species of equivocation, in this part of General Swartwout's testimony, which would do honour to a disciple of *Ignatius Loyola:* he swears, that his preparations were made, in pursuance of orders, received from me; but mark the sequel—he does not say, that he provided the transport, required by my orders; but that pursuant to orders, previously received, he had prepared transport, adequate (in the opinion of the quarter-master general) to the removal of General Lewis's division. Had he sworn, positively, that he furnished the transport

which my orders required, the production of the orders would have confounded him.*

How did General Swartwout comply with this order? He says, he had prepared transport, *adequate* to the removal of General Lewis's division. Here is another saving equivocation—the words of the order, were, *amply sufficient.* The quarter-master, substitutes *adequate* which may mean *barely sufficient*, but even on this construction the testimony is not founded in fact, the quarter-master general, certainly, did not mistake the meaning of the order, which directed him to make the transport, *amply sufficient*, to move the army, and that *in addition* to this, transport should be provided for *two month's provisions*, with the *artillery* and *stores* of the different *departments.* He has admitted, on cross-examination, that such was his understanding of the order. The court will recollect, what the witnesses have testified on this subject; that the boats were so crowded, and lumbered, that it was almost impossible to manage them. Not a boat was provided, exclusively, for the transportation of provisions, even the gun boats were loaded, with hospital and quarter-masters' stores, yet, General Swartwout, has had the courage to swear, that it was, in consequence of the destruction of boats, by the storms, that it became necessary, at Grenadier Island, to embark the troops in provision vessels. What says the contractor, Mr. Thorn, on this subject? No boats were assigned, for the exclusive purpose of transporting provisions, *but the boats that took provisions, carried troops also.* This testimony is confirmed, by Colonel Eustis, Major Brooks, and every witness, who gave testimony on the subject. The quarter-master general, swears with equal inaccuracy, respecting the gun boats, these *he presumes* were ready by the 4th of October, had he done his duty, he would not have sworn *presumptively* on this subject. Before I left Sackett's Harbour, in August, I had given directions to have 12 gun boats, provided and equipped,

* See page 51, ante.

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this will appear by my orders and instructions, to General Brown, dated the 29th of that month. It was the business of the quarter-master general, to carry this order into effect. The equipment of these boats, was necessary to the security of the flotilla; if I had sent forward the troops, without providing against the attacks, of the enemy's armed vessels, I might have escaped the charge of delay; but I should, certainly, have merited the condemnation of professional men, and deserved the execration of my country.

The testimony of Major Brooks, establishes the fact, beyond all doubt; that these boats were not equipped, on the 7th of October, and what is still more extraordinary, when he applied to the quarter-master's department, to furnish the means of their equipment, he was refused with the insulting observation, of the deputy quarter-master, *that he could not attend to such trifles.* Thus it appears, that the most important, and indispensible appendage of the expedition, was not in readiness, on the 7th of October, and that the quarter-master refused, to furnish the means, to complete it. It further appears, by the testimony of General Porter and Colonel Eustis, that four 18 pounders and two howitzers were mounted on carriages, and embarked in scows, after my arrival at Fort George. I might here introduce the testimony of several gentlemen, who were the witnesses of my diligence and my exertions, when confined to my bed, to prepare the troops for embarkation. General Lewis declares, that I made every exertion, and employed every means, to hasten the expedition.

Notwithstanding my continued illness, not a single witness, except the quarter-master general, charges me with any unnecessary delay, in moving the troops from Sackett's Harbour; I have already pointed out, several inconsistencies in this gentleman's testimony, and shall, directly, expose a most palpable contradiction, in different parts of it. Having considered the testimony, in relation to the weather, after my arrival at Sackett's Harbour, the situation and disorganized

state of the army, and the deficiency of the preparations, I will now ask the court, to attend to the circumstances, in which the army was placed at the time of my arrival, with respect to naval protection. I went on board of Commodore Chauncey's ship, on the 1st of October, to obtain his guarantee, for the protection of the flotilla, as far as he was able to afford it. The object of my visit, will be best explained, by the memorandum, which I handed to the Commodore, and his answer, on the 1st of October, in which he agreed, to adopt the course I suggested; and to endeavour to keep the enemy blockaded, at the west end of the lake.

The Commodore stated, that if the enemy was favoured, with a strong westerly wind, he might elude our squadron in the night, in spite of every exertion. A violent westerly wind, began to blow that very day, and continued for several days; there was every probability, therefore, that the enemy must have come down the lake, and gone into Kingston. Fully apprised of the danger, I arrived at Sackett's Harbour, on the 4th, and on hearing General Lewis talk of the troops sailing thence, I, undoubtedly, expostulated with all the warmth, which General Lewis ascribes to me, against exposing ourselves, to be enterprised on, by the enemy, on an island. The opinion, I expressed, on this subject, carried instant conviction to the secretary of war, who trembled for his folly, and as General Lewis testifies, fully agreed with me, that the expedition could not safely sail, without the protection of the fleet; and I understood General Lewis to say, that not only the secretary, but all the general officers, concurred in the same opinion; even General Swartwout has sworn, that it would not (as he thinks) have been prudent, for the troops at Sackett's Harbour, to have sailed for Grenadier Island, before it was ascertained, that our squadron could protect them, from the armed vessels of the enemy; he also says, that the relative state of the squadrons, was not known at Sackett's Harbour, when I arrived there; yet, in a subsequent part

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of his cross-examination, when asked to point out an instance, in which I had not been indefatigable, in the public service, with not a little hesitation, and more spleen, he said, he had stated before, and would again state, *that in his judgment*, there had been unnecessary delay at Sackett's Harbour. Does a man deserve credit, who so often crosses his track?—who in one breath declares that it would have been imprudent to sail, without the certainty of the protection of our squadron, and in the next, that there was unnecessary delay in the movement to Grenadier Island; although he, himself, admits, that we knew nothing of the state of the squadrons?

On the 6th of October, the Commodore came in, as General Lewis testifies, with a spanking breeze, bringing with him some prizes, and on the 7th, he landed his prisoners. During the time the squadron lay in the Harbour, provisions were taken on board, and the storm prevented its going out; this appears by the extract from the official letter, of the secretary of war: "As the fleet is wind bound, and the Commodore here (says the secretary) explanations on these points, may be readily, and conveniently given." The last part of the specification, seems to have been put in with a view, to give it a respectable, and, I suppose, a lawyer like appearance. The judge advocate inquired in vain, of all the witnesses, who were at the place, but no one ever heard of stores, artillery or provisions, being debarked, until the charges were printed. I have taken more pains to refute the charges of delay, at Sackett's Harbour, than was necessary to my defence before this court, that no doubt might be left, on the mind of any man, that the charge was founded, in the most rancorous malice. No man could know better, than the late secretary of war, the causes of the delay at Sackett's Harbour. It appears, by the testimony of General Lewis, the secretary entirely agreed with me, in the necessity of waiting for naval protection, yet he has put me on my trial for a charge, FALSE AND GROUNDLESS WITHIN HIS OWN KNOWLEDGE.

CHARGE 1st.—*Specification 4th.*

The next charge which I have to encounter, is stated in the following terms: viz. "In declaring openly and publicly, between the 16th of October, and the 12th of November, 1813, and during the expedition of the said troops, down the St. Lawrence, under his command, in substance, that the officers of the army, commanding in boats, having on board provisions and public stores, had no care or charge thereof; and that it made no part of their duty, to preserve or keep safe the same, and refusing to make it the duty of the officers, to attend to their safe keeping, although advised of the abuses which existed, in that respect; thereby causing, and countenancing negligence and waste, and inculcating on the minds of the officers, under his command, a disregard to the preservation of the public property, to the great damage of the service."

I will premise my observations on this specification, by calling the attention of the court, to the loose and defective manner, in which the crime imputed to me, is charged. The law requires, "the time and *place*, when, and where the crime was committed, to be set forth with all possible certainty, and precision."* "For such specification (of time and place) may, in most cases, be necessary towards the prisoner's defence." "As to the circumstance of *place*, it is in all cases possible, for the prosecution, to be most pointed and specific, and therefore such specification can never be dispensed with, in the forming of the charge."† Yet is this indispensible requisite, dispensed with by my accuser, I doubt not designedly. If he had undertaken, to designate the place and mention the day, he foresaw the possibility of my disproving the expressions imputed to me, by positive testimony; which as the crime is stated in the charge, it is impossible to do. The charge was unquestionably framed, on a full understanding, with the witness who was to support it; hence the vague and insidious testi-

* See Tytler, page 409. † Tytler, p. 214, 215.

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mony applied to it. The most respectable authorities, on military law, will shew, that I should be entitled to an acquittal from the charge, on account of its uncertainty. But I disclaim any acquittal on this ground. I wish not to screen myself, from an investigation, by insisting on an objection, to the form of this charge, though from the nature of the accusation, and the kind of proof adduced to support it, I might justly require from my accuser, the strictest specification of time and place.

The crime which is attempted to be fixed on me, in this specification, is that of countenancing, and encouraging waste, and destruction, of the public property; offences against which, the official conduct of a life spent in the public service, will bear testimony. It is true, I am not charged with peculation, of the public property; and if I had been depraved enough, to allow fraud to take its course—if I had watched with less vigilance, the tricks and chicanery of contractors, and their connexions—if I had, complacently, certified abstracts, to which I denied my signature*—I might quietly have divided with them, the profits of their labour; and the charge of wasting public property, would never have been made against me. My general regard of the public interest, has been proved by General Macomb, Major M'Pherson, Colonel Kingsbury, Colonel Schuyler, and General Porter, and my particular attention, to public property, has been proved by a witness, on the part of the prosecution, who has had the best opportunities, to witness my conduct. Colonel Walbach, who served a long time, about my person, says, that in the whole course of his services, with me, he never heard or observed any neglect on my part, of public property; but, on the contrary, he remembered repeated instances, of my calling the attention of officers, to its preservation. Major M'Pherson also, deposes, that I am strictly regardful, of the public property, of every species. I might refer to documents, to prove my attentions not only to preserve the public property, from

* See page 104, ante.

waste and destruction, by the troops, but also to save the government, from the frauds and speculations, of its agents. An instance of my care on this point, occurred at Sackett's Harbour, just before the expedition sailed. I discovered that the contractors, were taxing the public with the expense of transporting provisions, from Sackett's Harbour, for the supply of the militia at Brownsville, and the dragoons at Champion, twenty-two miles distant. As soon as the fact came to my knowledge, I addressed to the contractor's agent, at Sackett's Harbour, the following letter, dated,

"*Sackett's Harbour*, 16*th October*, 1813.

"Sir,

"Believing that some regular arrangement of the *commissariat*, existed, to supply the troops, who might be ordered on extra service, I considered it unnecessary to inquire, how Colonel Burn's and other corps were supplied; this morning I understood by accident, that provisions for the militia, near Brownsville, and even for the dragoons, at Champion, twenty-two miles distant, are drawn from hence, at the public expense. I do not recollect to have seen the contract, by which you are governed, but if consonant to your engagements, I must request of you to provide without a moment's delay, for two hundred and fifty rations daily issue, at or near Ogdensburgh, the place, or places to be designated by Lieutenant-colonel Luckett, and for 450 rations daily issue at Lisbon. Should the terms of your contract, absolve you from a compliance with this requisition, I will thank you to signify it to me, that other measures may be adopted, for the subsistence of the troops."

This letter could have had but one object, that of saving to the public, the expense of transporting the provisions. Is it credible, that I should be thus strictly attentive to the public interests, on the 16th of October, and in a week after should be guilty, not only of suffering,

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but encouraging waste and destruction, of the public property?

Another document, which shews my attention, to the preservation of the provisions of the army, is entered on the records of this court. I refer to my letter to General Lewis, dated on board the Lady of the Lake, off Grenadier Island, 23d October, 1813. "Can any means be adopted (says the letter) to relieve Lieutenant Scott, and his party, and bring off the provisions, and camp equipage, he left on Grand Isle? Let us save what we can, without hazarding more, than we attempt to save." Thus, at the very time, I was using every exertion to recover the provisions, which had been cast on shore, by the tempest, I am charged with encouraging profligacy and destruction.

Two distinct offences are charged against me, in this specification. *First*, that I declared, openly, and publicly, that the officers of the army, commanding in boats, which had provisions and public stores on board, had no care or charge of them, and that it made no part of their duty, to preserve them. *Secondly*, that although I was advised of the abuses, I refused to make it the duty of the officers, to attend to the safe keeping, of the provisions and stores. It will not be pretended, I presume, that the first branch of the accusation, has been proved. As my accuser has informed me, that the *charges are founded, on letters, received* by the *war department*, it seems probable, that either the informer must have written stronger, than he was willing to swear, or that the *special judge advocate*, in *dressing* up the *charges*, considered it his duty, to give them a higher colouring, than the information had done. A *private conversation*, with General Swartwout, would not be likely to spread the *spirit of profligacy*, through the ranks of the army. The premises, therefore, were exaggerated, to magnify the conclusion. General Swartwout is the *solitary witness*, to prove the declaration; and it is most remarkable, that he should swear distinctly, to expressions used by me, in

a special conference, without *being able to recollect the time*, or *place*. The complicated duties of *a brigadier*, and *quarter-master general*, might indeed account, for his not recollecting *the day*, on which the conference was held; but it surpasses belief, *that the express words of a conversation, should be treasured up without the faintest recollection, of the place where they were uttered.* It was, however, extremely *convenient*, to *forget the place;* because, if that had been remembered, it might have put it in my power, to shew circumstances unfavourable to the witness's accuracy, perhaps to prove an alibi, for indeed, the quarter-master's memory is exceedingly treacherous, as to localities. He does not, however, always testify to facts, which none, could contradict. With all his adroitness, he sometimes lays himself open. As there is no pretence, that I ever made the public declaration imputed to me in the charge, and as I have proved, that the whole course of my official conduct has been strictly opposed, to the profligate waste of public property, I shall proceed to consider the evidence, adduced to support the latter part of the specification. To sustain the charge against me, it was necessary to shew, 1st. That provisions and stores, were actually wasted or destroyed, by the troops, through the negligence of the officers. 2dly. That those provisions and stores, were subject to my controul, and that the losses by the terms of the contract, were chargeable to the government, and 3dly. That I, with a full knowledge of the abuses, refused to exert my authority to prevent them, when my duty required me to do so. If the prosecution has failed, to establish either of those facts, the charge cannot be supported. By what evidence, is the loss and destruction of provisions and stores, through the negligence of officers, commanding in boats, established? Loss and destruction of provisions, certainly did happen, to a great extent; but from the testimony of all the witnesses, it occurred, principally, in the passage from Sackett's Harbour, to Grenadier Island; and while the army lay at the latter place, many boats were wrecked, and much provisions

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and stores, wholly, lost or destroyed. The testimony of the quarter-master general, proves that the loss by shipwreck, and by boats drifting from their moorings, at Grenadier Island, was very great. Mr. Thorne, the contractor, says most of the losses occurred, in going from Sackett's Harbour, to Grenadier Island. We learn also, from Mr. Irwin, commissary of purchases, that 60 or 70 casks and boxes of provisions, were left on Grenadier Island, which were afterwards sent back to Sackett's Harbour, and delivered to the quarter-master. It cannot be pretended, that any human exertions, could have prevented the losses by shipwreck. My letter to General Lewis, of the 23d of October, to which I have already referred, proves, that I endeavoured, by every means in my power, to save whatever could be recovered. Not an instance of inattention, in any officer, has been shewn, except in the quarter-master's and contractor's departments, whose exclusive duty it was, to have taken the provisions, from Grenadier Island, which had been unloaded there, for the purpose of repairing the boats.

My general order, issued from on board the Lady of the Lake, off Grenadier Island, directed, "the contractor immediately to report the quantity and condition of provisions, the quarter-master to have the provisions debarked, and secured in the best possible manner, and the same attention, was required to be paid to the quarter-master's stores, tools, and implements, and also to those of the ordnance, and hospital departments. If the contractors and quarter-masters, had been so *negligent of their duty*, as not to have *representatives* on the ground," General Lewis was directed, "immediately to employ and appoint suitable persons, to supply the defect, at the expense of the heads of those departments. But," says General Swartwout, "I observed some provisions, and stores wasted and destroyed, during the passage down the St. Lawrence. They were frequently left on shore, by officers of the line who had charge of the boats. This occurred, *continually*, at the various points

of landing, between Sackett's Harbour and French Mills. It was a subject of *continual complaint* from the contractors, and having witnessed these depredations, I had a special conference with General Wilkinson, in which I *protested* against such *procedures*, and *requested* him to issue an *order*, to prevent the destruction, and *obliging* the officers to *take charge* of them."* This is the whole evidence in support of the charge. It cannot have escaped the observation of the court, *that this witness always swears in the lump.* He never condescends, to give *time, place, or circumstances.* He saw provisions wasted, but does not describe the quantity or the manner. He says, he saw provisions, left on the shore by officers of the line, but does not name them, and this puts it out of my power, positively, to disprove the fact. He states that this profligacy, occurred at the various points of landing, between Sackett's Harbour and the French Mills; yet he will not specify a single place where it happened. He says, it was a *continual* subject of *complaint*, by the *contractor*, without *naming one* who made the *complaint*, or *mentioning* the *person* to whom *it was made.* "*A witness who affirms his total want of recollection of the most material, and striking circumstances, of a recent and remarkable fact, which happened in his own presence, is deserving of very little credit, in those particulars, which he pretends to remember.*"†

It is observable on the whole of this witness's voluminous testimony, that he swears with studied caution; he is always positive in his facts, and always forgetful of those circumstances, which would expose him to detection. Most of the facts, however, that this gentleman testifies to, respecting the loss of provisions, are of such a nature, that if they had been true, other gentlemen must have known or heard of them. It is incredible,

* General Swartwout says, my reply to his application, was *substantially*, that the contractors were bound to take care of the provisions, and that it was not the duty of the officers of the army, to take charge of them.

† See Tytler, page 295.

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that provisions should have been left on shore, at the various points of landing, between Sackett's Harbour and French Mills, and, yet, none of the gentlemen, who accompanied the expedition, have seen them, except the quarter-master general. No man should be convicted of a crime, on the testimony of one witness, when the prosecutor had it in his power, to procure more; and it would be most extraordinary, to convict the commander of an army, of an offence, on the testimony of a single witness, which if committed, must have been known to thousands. But I shall shew, from the testimony of other witnesses, that the *facts sworn to by General Swartwout*, respecting the loss and destruction of provisions, *are not entitled to belief.* He states, that the contractors, continually complained, that provisions were left on shore, by the officers:—What says Mr. Thorne the contractor, who attended the expedition?—That HE has no knowledge, of *any provisions being left on shore*, or wantonly wasted or destroyed, by the officers or troops; HE never made any *complaint* on the subject, although *head of the department with the army, interested in the contract, and responsible for losses:* he says, that when the provisions were taken out, the empty casks were left behind, and that it was very possible, that an empty cask, on shore, might by a casual observer, be mistaken for a full one. Is it not more probable, that General Swartwout, made this mistake, than that the contractor, or any other gentleman, who accompanied the expedition, should not have seen provisions, left on shore at a single one, of the numerous points of landing where this occurred, according to the testimony of the quarter-master general?

Mr. Thorne says, that 150,000 rations were lost, between Sackett's Harbour and French Mills; but he attributes this deficiency principally to the loss, which occurred between Sackett's Harbour and Grenadier Island, and at the last place. Indeed it appears that the 60 or 70 barrels, that were left on Grenadier Island, by neglect or design in the contractor or quarter-master, must have been charged to the government, as a loss which

they were to bear, by the terms of the contract. If the court will examine the estimates, of provisions on hand, at French Creek, on the 4th of November, and at French Mills on the 13th, and compare it with the amount shipped at Sackett's Harbour, and added on the passage, as stated in the testimony of Mr. Thorne, they will be convinced, that far the greater part, if not the whole, of the losses, must have occurred before the arrival at French Creek, and it is not pretended, even by the quarter-master general, that there was any provisions, wantonly wasted, destroyed, or left on shore, by the officers, previously to that time. By the testimony of Mr. Thorne, it appears, that the provisions shipped at Sackett's Harbour, and added on the passage, amounted to an average of 340,000 rations. The greatest loss was in the article of bread. It appears from the estimate, made on the 4th of November, that there remained on hand at French Creek, 104,468 rations of bread and flour. Mr. Thorne testifies, that the daily issues were about 7,000 rations, in the fourteen days which elapsed, between the 21st of October, the day the expedition left Sackett's Harbour, and the 4th of November; when the estimate was made, there could not have been issued above 98,000 rations, and probably not so many, as there is no evidence that the troops were furnished, with several day's provisions, before they sailed from Sackett's Harbour. From these data it appears, that 138,000 rations, must have been lost between Sackett's Harbour, and French Creek. Mr. Thorne says, the whole loss during the expedition, was found, by the estimates made at Salmon river, to amount to 150,000 rations; consequently, not more than 12,000, could have been lost, in going down the St. Lawrence; a loss not equal to the allowance of twelve and an half per cent. which the government, by their contract, make to the contractor for wastage. This result is supported by the testimony of Mr. Thorne, and every other witness, except the quarter-master general, who all agree, that a large quantity of provisions, were lost between Sackett's Harbour and Grenadier Island, by storms and tempests;

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but none of them, except General Swartwout, witnessed any subsequent destruction of provisions. There is a perfect agreement, of all the other witnesses, on this point; Colonel Wadsworth, General Ripley, Doctor Ross, General Boyd and General Lewis, on the part of the prosecution, all testified, that they saw no wanton waste or destruction. The same testimony was given, on the part of the defence, by Colonel Nicolls, Colonel Eustis, Doctor Bull, Major Hite, and Colonel Pinkney.

Thus stands the testimony, respecting the waste and destruction of the provisions. That a considerable quantity of liquors belonging to the hospitual department, were used by the soldiers, cannot be doubted, from the testimony of Doctor Ross and Colonel Eustis. The first of these gentlemen says, he observed several empty casks and boxes, marked hospital stores, which he very naturally supposes, had been emptied by the troops. Colonel Eustis, who commanded the gun boats, says, that when he took charge of them, he found those boats deeply loaded with hospital and quarter-master's stores: he applied to Major Brown, the deputy quarter-master, remonstrated with him on the subject, and informed him, that if the boats should be brought into action, he should be compelled to *throw the stores overboard:* the quarter-master replied, *that he might do so,* and *refused* to *take them out.* On arriving at Grenadier Island, he discovered that the soldiers had made use of some of the liquors; he punished them, and made use of every means in his power, to prevent it, but it was impossible, as the boats had no decks, and the casks of liquor were under the feet of the troops: he made another *representation,* to the *quarter-master,* and was told *it must take its course,* and that *there was no remedy.* The quarter-master general says, that hospital stores, were put on board the gun boats, by his direction, and that after their embarkation, they were *under the charge of Doctor Ross.* Doctor Ross *denies that he had any charge of them,* and did not even know where they were; but that when the expedition arrived at French Mills, he found

them in possession of the quarter-master's department. Doctor Ross further testifies, that he received an order from me, through Doctor Bull, at Sackett's Harbour, on the 20th of October, directing him to appoint a faithful person, to take charge of the stores; he accordingly made the appointment, but could neither obtain transport, nor procure a list of the stores, though he made repeated applications for both, to the quarter-master's department. At Grenadier Island he renewed his application, by order of General Lewis, but was told by General Swartwout, that *nothing but omnipotence*, could furnish transport for an army composed of such *discordant materials*.

Doctor Bull testifies, that even Major Brown, who superintended the embarkation of the stores, *could not tell where they were;* though General Swartwout has positively sworn, the Major *could tell where they were.* Is it on this *evidence*, that I am to be *convicted* of countenancing and encouraging *wanton waste*, and *destruction* of *public property?* Am I to be held accountable, for barrels of brandy and boxes of chocolate, *thrown so promiscuously into the gun boats*, that neither the head of the hospital department, nor the quarter-master who directed the shipment, knew where to find them? Or, shall I be convicted of neglect of duty, for not ordering the officers of the line, to take care of stores, which had been stowed on board the boats, before the troops embarked, and of which they had neither returns nor invoices?

On this view of the testimony, I am persuaded the court must be satisfied, that there is not sufficient proof of the first point, which it was necessary to establish, viz. That provisions and stores were wasted and destroyed, through the negligence of the officers commanding in boats.

The next question to be decided, in order to sustain the charge, is whether the provisions and stores were under my controul, and whether government was liable for the losses, by the terms of the contract? I must again call the attention of the court, to the orders issued by me, respecting the supply of transport. As early as the

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25th day of August, I directed the quarter-master general, to have transport at Sackett's Harbour by the 15th day of September, *amply sufficient* to take *two month's provisions* for the army, *independent of that*, which he was required to furnish, for *conveying the troops*. The quarter-master general fully understood the order; he admits that he was to furnish the transports for provision, and directed to employ *several hundred boatmen, to navigate them*. Had this order been complied with, and the secretary of war had not interfered with my command, the provisions would have been secured, and we should have heard nothing of their loss and destruction. But instead of fulfilling my order, the quarter-master general procured transport, *in his own opinion*, adequate to the removal of the troops, from Sackett's Harbour, and without consulting me, obtained an order* from the secretary of war to the contractor, Mr. Thorne, on the 22d of September, to embark the provisions, *in such boats* as he, the quarter-master general, *should designate*. The embarkation, was accordingly made; and if General Swartwout is to be believed, all the provisions were shipped, before I arrived from Fort George. Thus were my orders annulled, my plans deranged, my arrangements destroyed, and my authority subverted, by the interference of the secretary of war. My legitimate power being taken from me, my responsibility ceased; yet I continued my exertions, in favour of the public service, wherever I could. Not only was my authority abrogated, but the contractor lost all claim to compensation for losses, by not complying with the terms of the contract, which declares, that when it becomes necessary to transport provisions from a depot, "*the public agent's, boats, and teams, shall be employed in transporting them, from such depots,* BY ORDER OF THE COMMANDING GENERAL, *on the representation of the contractor or his proper agent.*" Mr. Thorne *swears*, that he made *an application to me*, re-

* This was a cunning device, to conceal from me the state of the transport, and to mask the failure of duty in his department.

specting the embarkation, nor had he any conversation with me, on the subject of provisions, till I arrived at Grenadier Island, when I enquired of him what resources in provisions he had down the St. Lawrence. CHAP. XIII.

It was not in the *power* of the secretary of war, to *alter the terms* of the contract*, or *discharge the contractor from his stipulation*, although he might suspend the functions of the commander of the army. Thus the contractor, by consenting to ship his provisions, under the order of the secretary of war, forfeited his claim to indemnity from the public, for any loss which followed, though he has undoubtedly, an equitable demand against the secretary of war, for misleading him from the regular course. If the authority, by which the provisions were embarked, placed them beyond my controul, the manner of the embarkation, affords another reason, why I should not be held responsible for their safety. It was my intention, as appears by my orders, that separate transport should have been provided, for the provisions, and boatmen employed to navigate it. But my plan was overruled, and my orders contravened; the provisions were shipped, in the same boats that carried the troops, and landsmen obliged to manage them. How was it possible, amid such a scene of confusion, for the officers of the line to prevent waste? The barrels of bread and meat, were tumbled into the boats under the feet of the soldiers. Colonel Eustis's testimony, shews how little the authority of an officer could avail, to prevent their destruction; I might as well have issued an order for the winds to cease blowing, as to have attempted to restrain the soldiers from using the stores, under the circumstances of the weather and the movement. Mr. Thorne himself says it was, frequently, impossible, for the contractor's agents to make the issues, as the provisions were scattered among nearly 300 boats, and there were but four persons employed in making them. Ge-

* But Mr. Armstrong has done this, to the injury of the public. Yet, he was supported by President Madison, in his prosecution of me.

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neral Ripley says, some of the provisions were used by the soldiers of his regiment, for which he made them account in their rations. Colonel Macomb's regiment were served with provisions, by the quarter-master, and the account rendered to the contractor. General Ripley tells the court, that it was impossible, in the scattered state of the provisions, for the officers to take charge of them; and that he should certainly have disclaimed such a charge.

From all this evidence it appears, that it was impossible to prevent irregularities in the issues, and that as far as it could be done, the officers certainly used their best endeavours to prevent them. I trust the court will be satisfied from the terms of the contract, the authority by which the provisions were embarked, and the manner of their embarkation, that I could not be held responsible for loss, use, or abuse, and that the government is not, by the terms of the contract, bound to make good any losses which took place, *General Swartwout's opinion to the contrary notwithstanding.*

Having shewn that the prosecution has failed, to prove that any provisions or stores, were wantonly wasted or destroyed, through the neglect of the officers under my command; and having also shewn, that the provisions and stores were not, and could not be subject to my controul, it is not necessary for my defence, to consider the third point, viz. whether with a full knowledge of the abuses, I refused to exert my authority, to prevent them, when it was my duty to have done so. It has been proved, by the contractor himself, that he knew of no abuses. Five other witnesses on the part of the prosecution, and five on the part of the defence, who all had as *good opportunities* of observing abuses, as General Swartwout, *have sworn that they saw no wanton waste or destruction.* By the testimony of Mr. Thorne, it appears, the provisions *belonged* to the *contractor.* The contract declares, "that escorts and guards for the safety of provisions, shall be furnished whenever in the opinion of the *commanding officer* of the army, to whom application may be

made, the same can be done without prejudice." Did Mr. Thorne, make any application to me, for guards? So far from it, he did not see any necessity for the application, as he witnessed no abuses; where then is the proof of my refusal to exert my authority, when it was my duty to do so? Admit all that the quarter-master testifies, does it prove that I refused? He says, he requested me "to issue an order, to prevent destruction, and to oblige the officers to take care of the provisions." And what was my reply? "*That the contractors were bound to take care of the provisions; and that it was not the duty of the officers, of the army, to take charge of them.*" No further conversation passed on the subject. This is the whole evidence, which is to convict me of profligacy. And were not the contractors, bound to take charge of the provisions? Mr. Thorne says, he took the charge of them, on the 23d of October, at Grenadier Island, and assumed the whole responsibility of the losses. Was it for me to interfere, with the property of Mr. Thorne, on the application of a person, who had nothing to do with it? Did Mr. Thorne *commission* General Swartwout, to *require guards* for his property? Mr. Thorne could not have done so, for he saw no necessity for a guard. *Whence the solicitude* of the quarter-master general, to *preserve* Mr. Thorne's *property*, from waste and destruction, when Mr. Thorne himself *made no complaint;* when he did not even think it necessary to ask for a guard, as he might have done by the contract? Was it an act of *disinterested benevolence*, or was the quarter-master general interested, *sub rosa*, in the contract? Whatever might have been the motives, which influenced the conduct of the quarter-master general, it could not be my duty, to appoint guards over the provisions, until the contractor thought them necessary. General Swartwout has not told the court, whether he pointed out to me, any particular instances of waste or destruction. I had seen none myself, nor had any of my officers. It is most probable, if General Swartwout saw any, it must have been in the boats of his brigade, and

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surely the Brigadier had power to check abuses, in the boats under his command, without application to me. As long as the contractor made no complaint, I had no right to believe, that any considerable abuses existed, notwithstanding the solicitude of the quarter-master general; and most certainly, my duty did not require me, unasked to assign guards, to preserve the contractor's property.

With these observations, I shall dismiss the consideration of the fourth specification, in which, I trust, I have shewn satisfactorily, that in the whole course of my military services, I have discountenanced profligacy and waste of public property, by my actions and my example. My order to Doctor Ross, my letter to General Lewis, and my general order of October 23d, prove my attention, and my solicitude to preserve the provisions and stores. I have shewn, that the greatest part of the losses in provisions, happened before the army arrived at French Creek, from causes beyond the controul of man. I have demonstrated that the provisions, and stores, were never placed under my controul; that my orders for transport, were neglected by the quarter-master general, and the embarkation of the provisions were directed by the secretary of war, in direct contravention of my orders. I have proved the impossibility of preserving the hospital stores, from the dilapidation of the troops. Not an instance of neglect or inattention, in any officer under my command has appeared, nor has any proof been given, of my refusal to exert my authority, when my duty required me to do so.

CHAPTER XIV.

Remarks on that part of the first Charge, contained in the fifth, sixth, seventh, and eighth specifications, and the evidence applicable thereto.

CHARGE 1st.—*Specification 5th.*

The next specification, betrays the *stupidity* of the person, from whom my accuser received the *information*, on which the charge is founded. The offence is stated to consist, "in calling two councils of war, during the month of November, 1813, the one, at or in the vicinity of French Creek, and the other, in the vicinity of the village of Hamilton; and submitting thereto, the state of the provisions (the preservation of which had been so as aforesaid disregarded by him) as a reason for discontinuing the expedition, to the great injury of the public service."

A very summary answer, may be given to the charge. No council of war was held, any where near French Creek. A council of war was held near the village of Hamilton, on the 8th of November, and the minutes of it, appear on the records of the court; but the statement made by me, to that council, differs widely from that mentioned in the charges. From the report made to me by the contractor, it appeared that a large portion of the provisions had been lost. On the day the council was held, I had received information, of the arrival of a considerable body of the enemy, at Prescott, from Kingston; and I had received various information, respecting the enemy's force below. The arrival of the enemy at Prescott, so soon after I had passed that post, was a circumstance, of well founded surprise to me, for I had relied on naval protection, from my communications with Commodore Chauncey, and also, from the confident assurances, of the secretary of war, particularly in his let-

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ter,* contained in the President's message, to Congress, of January 31, 1814, from which I quote the following extract. "The navy would occupy the mouth of the river, and prevent a pursuit by water, by clearing the river of the armed boats of the enemy, his holding with its own, (boats) the passage at Hamilton, and by giving support to that position." This sudden appearance of the enemy in force, in my rear, placed me, at once, between two fires and changed the main ground, on which the expedition had been projected, viz. the *impossibility of the garrison of Kingston following me by water,* or (to use the language of the secretary of war,) "*if by land, without subsistence, excepting what he carries on his back, and without artillery.*" To this unexpected incident may be fairly ascribed, the embarrassments and disasters which ensued, and not to me. It warranted the abandonment, of the expedition against Montreal, and a total change of the operations, which I should have adopted without hesitation, but for my unfortunate engagement to General Hampton, and in that state of perplexity, I submitted a statement of facts, to my general officers, for their advice.

The assured co-operation of General Hampton, failed; I was duped, and have suffered for the faults of others. This may be fairly inferred, from the secretary's *conciliatory message* to General Hampton, by Colonel King, *and his friendly letter, to the same officer, after being apprised of his shameful conduct.*

In the vindictive spirit of a malicious heart, my accuser loses his natural acuteness, and has consulted more the quantity, than the quality of his accusations. My letter to General Hampton, of the 6th of November, in evidence before the court, states, "*that I had that day, submitted to my general officers, the state of our provisions, who determined, unanimously, it should not prevent, the progress of the expedition.*" Surely, my accuser had forgotten this fact, or he would hardly have hazarded, the gross absurdity of charging me, with a simi-

* See Appendix, No. LXVIII.

lar exposition, two days afterwards, as a reason for discontinuing the expedition, which the same council had so recently determined to prosecute, the state of our provisions notwithstanding, which, Mr. Thorne, the contractor, declares on oath, had been increased by the addition of ninety-five barrels of flour, procured at Hamilton, and it is notorious that by foraging upon the enemy, we were augmenting our stock of subsistence daily.

I dismiss this groundless accusation without further consideration.

CHARGE 1st.—*Specification 6th.*

My accuser having pursued me down the St. Lawrence, to fix upon me the charge of profligacy, and waste of stores and provisions, returns to Grenadier Island; and renews his random attacks, for delay at every point of the expedition. These multifarious and sweeping accusations, could only have been made, to swell the catalogue, and to bias the public mind, by the repetition of odious imputations. It is necessary to consider this specification, by paragraphs. The first instance of the neglect of duty, is stated to be "in unnecessarily delaying the movement of the troops, under my command, from Grenadier Island; and particularly in embarking and again disembarking, the corps of artillery attached to my command, at Grenadier Island, aforesaid, without reasonable cause." It would be sufficient, in answer to this accusation, to say, that *even General Swartwout has acquitted me*, of any unnecessary delays at Grenadier Island. When this *standing witness* for the prosecution, acquits me of a charge, it is hardly necessary to enquire further. General Swartwout says he arrived at Grenadier Island, the 22d or 23d of October, that several hundred troops had not then arrived, several scows and boats had been wrecked, and some days were occupied, in collecting and repairing them. After the boats were repaired, the weather detained the expedition, two or three days. Indeed, he says, it was rare to find a day, fit for sailing in boats, on the lake; and in his opinion, the expedition sailed as soon after the

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boats were repaired, and the *troops organized*, as the weather permitted. He has no knowledge that the artillery corps was embarked, and again disembarked at the Island. The General's testimony, therefore, completely refutes the charge of delay, at that place.

General Macomb testifies, that his corps were delayed by some misunderstanding; they had been directed to embark in the gun boats, by the quarter-master general; this arrangement was altered, and the gun boats reserved for Colonel Randolph's corps. It does not, however, appear that the detention had an effect, on the movement of the main army, for Colonel Macomb arrived at French Creek, before the rear of the army; and he now declares in his deposition before the court, that the storms were incessant and dreadful, and that it was several days after the troops left Sackett's Harbour, before they all arrived at Grenadier Island. That several boats were totally lost, and others required repairs, before the expedition could proceed. General Lewis gave a history of the arrival at, and the embarkation of the troops from Grenadier Island. By his testimony, it appears, that the scattered fragments of the army, had not all assembled at that place, until the 3d of November. He says, that on the 22d of October, I returned to Sackett's Harbour, to look after the stranded boats and hasten their repairs.

During my absence, General Lewis had the command at Grenadier Island. My general order of the 23d,* shews my solicitude and attention to forward the expedition, with the utmost despatch. I landed at the island, on the 26th, after having visited the shores, on which the boats were stranded. General Lewis declares, that every exertion was made, to expedite the sailing of the troops, and that there was *no delay*, which could be *charged* to the commander.

The situation of the *army* and the *transport*, when it arrived at Grenadier Island, Colonel Walbach says, was *miserable*. Generals Boyd and Ripley, and Colonel Wadsworth, attribute the delays to the storms.

* See Appendix, No. II.

Thus every witness, on the part of the prosecution, acquits me of any delay which could have been prevented by my exertions. One of them declared, expressly, that without omnipotent power, I could not have prevented the delays at that place. The testimony on the part of the defence, is substantially the same. Captain Paige's diary, shews that the weather, from the 21st of October to the 2d of November, was almost constantly tempestuous. Colonel Eustis says, five of the artillery scows got on shore, and two of them were lost, which delayed the expedition several days. He testifies, that he commanded all the artillerists, and that no part was embarked and again disembarked, at Grenadier Island. He says, there was no unnecessary delay in moving the army. General Bissell, Colonel Nicholas, and Major Brooks confirm his testimony.

It is immaterial to enquire, whether Colonel Macomb's regiment, could be called a part of the artillery corps; though from his testimony, as well as that of Colonel Eustis, it appears they acted as infantry, and formed the elite of the army. The transfer of his regiment, from the gun boats, to which the quarter-master general had assigned it, is sufficiently accounted for, by General Macomb's testimony; and although it might have detained his regiment, a few hours, it had no influence on the movement of the army.

The next paragraph of this farrago, accuses me of "useless and injurious delays of the army, under my command, in its descent of the St. Lawrence; and particularly at the places of its encampment *on French Creek, in Upper Canada.*" The quarter-master general is the only witness, who attempts to charge me with unnecessary delay, at French Creek. General Swartwout swears, that he arrived there on the 1st of November, and remained there two or three days. That the weather was fair, the boats in order, and he was not aware of any obstacle, to prevent their movement. His testimony is contradicted, in a material point, by General Boyd, another witness on the part of the prosecution. General Boyd testifies, that

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General Swartwout accompanied him from Grenadier Island, to French Creek; where they arrived on the 3d of November. There could not therefore have been, *many days of fair weather lost*, by the troops, after General Swartwout arrived. General Macomb says, the rear of the army arrived at French Creek on the 3d of November, and the army remained there, until the morning of the 5th, making arrangements for moving down the river, in order of battle and distributing flags to distinguish the corps. General Lewis testifies, that he arrived at French Creek, in company with me, the afternoon of the 3d of November. He assigns two causes for the delay at French Creek, one was the necessity of waiting for the arrival of Colonel Randolph, with his corps; another, the arrangements for order of battle, concerting signals for the government of the flotilla, and giving proper instructions to the officers, respecting the signals, and the order for sailing and landing.

The importance of these arrangements, to the security and good order of the flotilla, must be obvious; and the good effect of them, was quite apparent in the passage of Prescott, and every subsequent movement of the flotilla. Without such arrangements great disorder, and much loss, must have ensued. Colonel Walbach, the adjutant-general, testifies to the same point, and declares there was no unnecessary delay. General Ripley also says, there was no delay.

This testimony, on the part of the prosecution, is sufficient to do away, the charge of *unnecessary delay at French Creek*, without adverting to the testimony, given on the part of the defence, by Doctor Bull, Colonel Eustis, Major Brooks, Colonel Nicholas, and General Bissell. Indeed, EXCEPT GENERAL SWARTWOUT, no witness has imputed to me, the least unnecessary delay at that place. The difficulty, and even impossibility, of getting the boats out of the Creek, as early as had been directed by the order of the preceding evening, has been abundantly proved.

The next point, at which I am charged with delay, is "in the vicinity of Morrisville, in the state of New York,

and below." The charge of unnecessary delay at this point, has not the shadow of proof to support it, unless the *opinion* of Colonel Wadsworth, that it was possible to have passed Prescott, on the night of the 5th, had not the troops halted, *be taken for proof*. *Even* General Swartwout imputes no unnecessary delay here. He says, the army arrived in the neighbourhood of Morrisville, about 12 o'clock at night. On the morning of the 6th, orders were issued preparatory to passing Prescott. About 9 o'clock at night, the army moved by land, and the boats several hours after.

General Macomb testifies, that the order of march was broken, and the corps were in confusion, when they arrived near Morrisville. A halt was necessary, to refresh the troops and organize the flotilla.

There was not time to have passed Prescott in safety that night, under the circumstances in which the army arrived. The testimony of General Lewis accounts for the confusion of the flotilla. He says, a part of the boats took the Canadian side of the island, opposite Morrisville. The corps were divided, the troops much fatigued, and discovered much reluctance to proceed further that night, as they had rowed forty miles. Generals Boyd and Ripley state, that, the flotilla was in disorder, and that the troops suffered from exposure to the cold; they agree that it would not have been prudent, to attempt the passage that night. This evidence, on the part of the prosecution, would suffice to repel the charge of unnecessary delay, were it not abundantly strengthened by the testimony of Colonel Totten, Colonel Eustis, Generals Bissell and Porter. These gentlemen gave a clear and decided opinion, that it would have been imprudent to attempt to pass the enemy's fort at Prescott, on the night of the 5th, or until the evening of the 6th. It appears from the testimony of Colonel Walbach, that he was employed a considerable part of the 6th, in distributing orders respecting the passage. Several of the witnesses, speak of the movement past Prescott, as entitled to much credit. Colonel Eustis and Ge-

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neral Bissell have described the movement, and from their testimony, and the trifling loss in effecting it, it is evident the time spent, in preparing the troops for it, was not uselessly employed.

For 300 boats to pass a fortress, erected for the express purpose of commanding the passage of the river, with the loss of only one man, certainly required no little attention, in making the previous dispositions.

I shall most willingly submit, the whole of my conduct, in relation to the passage of Prescott, to the severest scrutiny of a military tribunal.

I am next charged, with delay "in the vicinity of Ogdensburgh, under the pretence of detaching Colonel Macomb, with the elite corps, to seize on the village of Matilda, in Upper Canada, without previously ascertaining, whether the said post, *was occupied by*, or whether the enemy were in force there. And actually sending Colonel Macomb, with the corps elite, to carry the said post of Matilda; when the same had been evacuated, or was not then occupied by the enemy; thereby greatly, and unnecessarily, impeding the progress of the army; when it was in my power, to have ascertained the true state and condition of the said post, before I made the said detachment."

I might pass over this baseless charge with simply remarking, that not a syllable of proof has been given to support it; were it not, that a public and solemn accusation, before a high military tribunal, is, generally, supposed to have something besides malice for its foundation. Few men are so base, as to charge a man with crimes, when he is entitled to commendation. It will not avail my accuser, to say that this charge was founded on *information*, contained in *secret whispers and calumnies, and in letters received at the war office.* If any man had been so foolish, or so wicked, as to accuse me, of sending Colonel Macomb to attack wind mills, instead of an enemy; Colonel Macomb was at hand, to establish or refute the charge.

I am charged with delay in the vicinity of Ogdens-

burgh, and it is disproved by every witness, as well for the prosecution as for the defence. General Swartwout says, he arrived with his brigade at the point below Prescott, on the morning of the 7th of November, where the army was obliged to remain, until he went back to Ogdensburgh with the 21st regiment, after an ammunition boat, which had put into the creek, above that place. The army, however, were not idle even by his testimony, they were employed in preparing large oars, to descend the rapids. General Ripley also went back with the detachment, to recover the ammunition boat. Major Nourse mentions two other causes of delay, besides that occasioned by the ammunition boat; he says, the troops had all arrived at 1 o'clock, P. M., and that the powder was not on board the flotilla. The boats moved, according to his testimony, about 2 o'clock, P. M. It is stated in the report published by the late secretary of war, and communicated to Congress by the President, on the 31st January, 1814, which forms a part of the evidence before this court, that "in passing Prescott, two of our largest vessels, loaded with provisions, artillery, and ordnance stores, either through cowardice or treachery, had been run into the river near Ogdensburgh, and opposite Prescott. The enemy kept up so constant a cannonade on them, that we found it difficult, and lost half a day, to get them out."

The delay which took place below Ogdensburgh, is therefore sufficiently accounted for, without enquiring whether the detachment of Colonel Macomb, was a necessary measure, or whether it produced delay. Respecting that detachment, the court have fortunately the best evidence, that the case admits of, the deposition of General Macomb, taken on behalf of the prosecution.

The General says, he received orders from me, on the morning of the 7th of November, to cross to the Canada shore, for the purpose of driving the enemy, from the prominent points of the river; and particularly Fort Matilda. That Colonel Swift, of the engineers, was sent to him, to inform him of the contour

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of the Canada shore, from which General Macomb very properly presumes, the shore had been reconnoitred. General Macomb testifies, that he proceeded down the river, about 8 miles, when the enemy appeared on the shore, and commenced firing on our boats. The troops landed under the enemy's fire, and he retired precipitately into the wood. An officer of the regulars was taken prisoner, who informed General Macomb, that their force consisted of about 200 militia and Indians and 100 regulars; Colonel Macomb then proceeded to Matilda, about a mile below. The enemy ran off, leaving in the barracks, 8 or 10 muskets. The river at Matilda, is 500 yards wide. The battery was not quite completed, but was surrounded by narrow trenches, for the militia to stand in, to fire on the boats, which, says General Macomb, would have caused great loss and confusion in our flotilla, as the battery is at the head of a rapid, and boats would have to pass near it.

General Macomb further testifies, that the garrison retreated from Matilda, in consequence of his movement; that they had consisted of two hundred Indians and militia, and 100 regulars, and that it was reported, previous to his being detached, that the *militia of the country were in arms*, and meant to take post at the narrow passes, to *dispute our passage*. It was also reported, that pieces of *artillery*, were on their way to *defend the passes*, all which, he says, *proved to be true*. General Macomb further says, there were every *indication of a large force*, and the *detachment* was, in his opinion, *proper and necessary*, and caused no *delay* in the *movements of the army*. The flotilla joined him, next morning, at Matilda.

The official letter of General Macomb to me, on the morning of the 8th, agrees precisely with the statement in his deposition. The letter was written on the spot, "and states it to be so situated, as to be susceptible of annoying our boats, materially in passing it."

General Lewis, and General Bissell, saw a party of the enemy, consisting of about 100 or 150 men, moving

up the river, on the morning of the 8th, which, they presumed, were a part of the garrison of Matilda. General Lewis says, the detachment of Colonel Macomb, did not cause a moment's delay, in the movement of the army. He agrees with General Macomb, that the enemy, posted at Matilda, would have annoyed our flotilla very much. The adjutant-general, Colonel Walbach, testifies that information had been received by me, that the enemy were posted below. Captain Biddle, who was detached with General Macomb, corroborates the testimony of the latter. Colonel Eustis says, that, in the forenoon of the 7th, about 200 of the enemy showed themselves, on the Canada shore, with two field pieces. In the afternoon, he saw two field pieces, which he presumes were the same, equipped as light artillery, marching down the bank of the river at full gallop. They fired at our boats, chiefly at the General's schooner. Colonel Walbach says, it was about a mile above Matilda, that my boat was fired on, and about the time Colonel Macomb dispersed the enemy. It appears from the testimony, that the enemy had taken post at Matilda, and were in force there, when Colonel Macomb was detached. The pieces of artillery, which moved with such celerity down the river, were, doubtless, on their way to that station.

From all the evidence it appears, the information received, "that the country was in arms, and that the militia intended to dispute our passage at the narrow passes," was perfectly correct. And as it abundantly proved, that the detachment caused no delay, it will not be contended, I trust, that any crime is proved against me, in relation to it.

My accuser, tired it seems of pursuing me, step by step, in my dilatory course, closes his catalogue with a sweeping clause, extending from Prescott to Cornwall: —"Similar delays at various other places," is rather a loose expression in judicial proceedings; it hardly comports with that strictness, which the writers on military law require, in stating charges. Waving, however, formal objections, I ask where is the evidence to convict me,

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of delays below Matilda? for I have rendered an account of my movements to *that* place. The army arrived at the White House, on the morning of the 8th of Nov.; here the dragoons were crossed over the St. Lawrence. All the witnesses agree, that this was the most convenient place, on the river, for crossing them; and most of them say, that this operation occupied nearly all the time that the troops lay, at the White House. General Swartwout says, the troops left the White House, on the morning of the 9th, and made a good day's march. General Macomb says, there was no unnecessary delay, at the White House. He proceeded on shore on the 9th with General Brown. The enemy fired on the rear, and a man was killed, in the course of the day, but the army was not delayed.

By the testimony of Colonel Walbach, it is proved, that the boats proceeded much faster, than the troops on shore, and General Macomb says, the boats could move twice as fast as the men could march. It was, therefore, necessary for the flotilla to wait, until the troops, which marched by land, had proceeded some distance. This circumstance, accounts for the delay of the flotilla, on the morning of the 9th; for although it did not move, for several hours after the troops marched by land, it overtook them mid-way between the White House and Chrystler's, where the whole encamped. It was probably from not attending to this circumstance, that Colonel Wadsworth thought, there was no delay in moving the flotilla, on the morning of the 9th. His testimony is certainly opposed to every other witness, both for the prosecution and defence. General Lewis, General Bissell, Colonel Walbach, General Macomb, Colonel Eustis, and Major Hite testify, that there was no unnecessary delay at this point. Major Hite says, the flotilla passed General Brown's advance about 1 o'clock P. M. though it did not move for a considerable time after him. It will be recollected too, that the dragoons were crossed in the artillery scows, and, consequently, the flotilla could not move, until that service was performed, and the artillery re-embarked in the scows. It must be recollected, that

this expedition, formed Colonel Wadsworth's noviciate in war, and therefore he could not be the most competent judge, of military combinations and movements; else he would have known, that a body of cavalry, could not have kept pace with boats, floating at the rate of six or seven miles an hour. The Colonel's celerity of movement, probably is taken from the expedition of his voyages, when trading between Montreal and Kingston, not long since.

Leaving the White House, I proceed to consider, the evidence respecting the delay, which took place, near Chrystler's, on the 10th and 11th of November. Two witnesses on the part of the prosecution, the quarter-master general and General Boyd, testified, that the delay on the morning of the 10th, was not in their opinion necessary. This is certainly a *mere opinion*, and cannot convict me, if I shew sufficient causes for the delay, and this, I trust, I have abundantly shewn. On the morning of the 10th, at a very early hour, General Brown had been ordered down the river, with a considerable force, to clear its left bank of the enemy, who were reported to be collected there. General Bissell had also been directed, to dislodge the enemy from an island, in the Long Saut. The propriety of both these detachments will be apparent, from a consideration of the results of these movements. General Brown, according to the testimony of General Macomb, engaged the enemy at Hoop-pole Creek, near a block house which they occupied on the bank of the river.

The enemy's force, consisted of about 1,500 militia and some Indians, under Colonel Dennis of the regular army. By the testimony of Major Lee, who accompanied General Brown, it appears, that the detachment was delayed, several hours, on account of the bridges, being broken up by the enemy. Many of the witnesses heard the firing of General Brown's cannon, about noon of the 10th. Colonel Walbach, Colonel Pinkney, General Lewis, and Doctor Bull testify, that the delay of the flotilla, was occasioned by General Brown's detachment,

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and by not having any information from him. Major Lee, expressed his belief, that there were innumerable points, from whence the enemy might have annoyed our flotilla, in its descent of the rapids. General Bissell testifies, that he was ordered to proceed down the river, on the 10th, to dislodge the enemy from an island, in the Long Saut, where they were reported to be stationed; but he was unavoidably detained by the desertion of his pilot, until the morning of the 11th, when he proceeded down the river, landed on the island, found fires still burning, breast works of logs, abbatis, trails, and other indications of its having been recently occupied by an enemy. In this, he was confirmed, by information, received from females on the island, and a man on the American shore. From the description given by General Bissell, the enemy must have been posted very advantageously, to assail us in our descent. Almost the only practicable landing place, was abbatied with logs, and in his opinion an enemy posted there, even with musketry, might have annoyed us very much, without exposure. His account of the navigation of that rapid, differs very much from Colonel Wadsworth's, as does that of every other witness. From the information received by General Bissell, it cannot be doubted, that the enemy left the island, in consequence of General Brown's approach.

Can the court, from the testimony they have before them, of the number of the enemy collected along the Saut; of the strength and position of their posts, and the dangers of the navigation of that rapid, have any doubts whether it would have been prudent, to proceed with the flotilla, down a rapid of such length and violence, without previously taking measures, to dislodge the enemy from the posts which they occupied? If these precautions had not been taken, and I had met with loss, misfortune, or discomfiture, I should have merited death; but the very measures, which prevented disaster, my accuser now attempts to turn against me and convert into criminal neglect.

Colonel Wadsworth, who seems to think as lightly of the enemy's spirit, as of the dangers of navigating the Saut, would have advised me to take my chance, and leave the cavalry to shift for itself, between the White House and Barnhart's, a distance of thirty-three miles, with 1,500 of the enemy in front, and a similar force in the rear; but it must be remembered, that the Colonel was a mere *spectator, and in general a distant one*, of the movements of the army, and, therefore, can be no judge of the merits of its operations; and if the enemy presumed to fire on us, he declares he would have landed, and destroyed them. This certainly would have been *spirited advice*, and no doubt the Colonel would have cheerfully *volunteered* to *lead* the party on *the island*. If however Generals Bissell and Lewis, are to be credited, it might have been attended with more difficulty, and occasioned more loss, than the Colonel apprehends.

General Bissell took great precaution, in entering the rapid, to keep his boats apart; yet he says, they ran foul of each other, and some of them nearly filled. If the court should think there was a sufficient reason, to make the detachments, they cannot think there was any unnecessary delay. From the testimony of several witnesses, it has been shewn, that in less rapid parts of the river, the boats would float, twice as fast as troops could move on shore. Even, if it had not been proper to wait for intelligence from General Brown, and the boats had moved by noon, on the 10th, they would have preceded him at Barnhart's, nearly twenty hours, exposed to the enterprise of the enemy from Cornwall; but, by that time, the pressure of the enemy on our rear, forbade the movement. It will be remarked, from the morning orders of the 10th of November, that General Brown was to proceed in advance, and, in case of necessity, was to co-operate with General Boyd; but, from the testimony of several witnesses, as well as from the journal published in the President's message, of the 31st of January, and which has been received as *prima facie* evidence, by this court, it appears, that General Brown was engaged with

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the enemy, about noon, at the very time he pressed our rear, which furnishes the strongest presumption, the attacks were preconcerted, and that the measures of the enemy were co-operative. General Swartwout says the rear was fired on, in half an hour after they began their march, on the morning of the 10th. General Lewis testified, that about 500 of the enemy shewed themselves, near noon on the 10th, and it was reported by a captain of dragoons, that there were more behind the wood. The troops had been ordered to move, by General Lewis, who had taken the command, in consequence of my illness; and when I heard the firing of General Brown's cannon, I ordered the movement to be arrested. By the testimony of Colonel Walbach, there was a skirmish with the enemy about noon on the 10th, in which we had several killed and an officer wounded. The account which *the quarter-master general gives*, of the affair of the 10th, is *quite amusing*. He says, the army marched and countermarched all day, in pursuit of the enemy, but they could not be found; nor could it be ascertained, whether there were 100 or 1000 of them. He will not allow, that there was any skirmishing, but only an affair of pickets, in the morning. Yet, General Swartwout allows, that the army could not have safely moved, in the latter part of the day. If the pressure of the enemy in the rear, did not sufficiently account for the delay on the 10th, the want of information from General Brown, I trust, will. It certainly, was not without good reason, that General Brown had been sent forward, as has been, abundantly proved, and if the object of his detachment, was to clear the bank of the river of the enemy, surely it would have been imprudent to move, until it was ascertained, that this object had been effected; and if General Brown neglected, to send me advice of his operations, seasonably, I am certainly not to be punished for his omission of duty. When the detention of General Bissell, is also taken into consideration, I cannot think the court will impute to me, as a crime, the delay on the 10th. I have never offered my ill health, as an excuse for any neglect

of duty, because none has been proved against me. But when the court recollects that during the 10th and 11th, I lay on my bed helpless and in agony, I believe they will see in my conduct on those days, a constant effort, at least, to discharge my duty.

CHARGE 1st.—*Specification 7th.*

This is, perhaps, the most malicious and unmerited imputation, embraced in the whole virulent assemblage, and might be answered in a few words, if deception on the part of the minister, may justify misfortune on that of the General. I am charged with "detaching Brigadier-general Brown, with a large corps of the army in front, on or about the 10th of November, 1813, after it was known the enemy were in my rear, and disposed to assail me, and in not first taking competent measures, to defeat and destroy the corps of the enemy, thus hanging on and disturbing my rear, or afterwards to form a junction with the troops, thus detached as soon as the object of the detachment, was effected, but on the contrary exposing the service to imminent hazard, and to great actual injury, by unnecessarily engaging the enemy, with a portion of his army only, inferior to that of the hostile corps, which hung on and threatened his rear, at the time of the detachment of General Brown as aforesaid." To this string of fictions set forth by the honourable secretary, I might briefly express my astonishment, that he should seek to justify his own ignorance and misconduct, (not to use harsher terms) and attempt to cast on my shoulders, the load which he ought to carry on his own. The imputations with which he strives to saddle me, were the necessary consequences, of his own official misrepresentations to me, by which I, as well as the troops I commanded, became encompassed with dangers and difficulties, from which we were extricated by the good conduct of the men, and by the soundness of the very measures, which he would now misrepresent and impute to me as crimes. Having by his reiterated assurances, deceived, misled, and placed me, in a situation of extreme peril, the whole grounds of the expedition, to the com-

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mand of which he had allured me, were changed from offence to defence. Instead of the agreeable and unopposed voyage, which he had induced me to expect, down the St. Lawrence; I suddenly and unexpectedly, found myself resisted in front and pressed in rear, by a respectable force of the enemy; and the measures, to which I was compelled to resort for self-defence, and the fulfilment of the fatal engagement with Hampton, into which the secretary and Hampton's agent, Colonel King, had cheated me, are distorted and alleged against me as crimes.

Let truth be tested by facts. "*The ablest interpreters of man's conduct*" and the world judge between us. The secretary in his letter of the 8th of August, while pressing the attack of Montreal, recommends to me to "proceed rapidly down the river, seize the northern bank opposite the village of Hamilton, leave a corps to fortify, and to hold it, march upon Montreal with the main body, effect there a junction with Hampton, and take a position, to enable you to secure what you gain." On this plan, "*the navy,*" says he, "*would perform its part, by occupying the mouth of the river, and preventing a pursuit by water, by clearing the river of the armed boats of the enemy, by holding with its own the passage of Hamilton, and giving support to that position. If the enemy pursues, it must be by land, without subsistence, (except what he carries on his back) and without artillery.*" In his letter of the 19th of October, in opposition to the attack of Kingston, he says, "*Montreal is the safer and greater object, the weaker place, and that I shall find there the smaller force to encounter.*" In his letter of the 27th of October, he says, "*the alarm of the enemy is general along the whole line, at every point of which he is weak.* Three days ago, he called out a regiment of militia, which *produced 15 men, 14 of whom deserted, the first night of their service;* one of these men is now here."

But what were the fruits of these assurances from the minister, in whom I placed such implicit confidence, that I surrendered my own judgment to him, entered into his

views, and had foolishly staked my life and my reputation, on the execution of his wild projects. Did the navy co-operate with me, and prevent a pursuit by water? *No!* —Did it clear the river of the armed boats of the enemy? *No!*—Did it hold the passage of Hamilton? *No!*—Were the enemy weak at every point? *No!*—Were the militia of the enemy disaffected? *No!*

What then, permit me to enquire, were the facts? The enemy in considerable force from Kingston pursued me to Prescott, the morning after I passed that post, with a naval equipment, consisting of armed vessels, a heavy galley, and several gun boats, under command of *Captain Mulcaster, the most gallant and enterprising British naval officer on that station,* and second to Sir James Yeo commodore of Lake Ontario. The yeomanry of Upper Canada were invisible, except when they appeared in arms against us, *to a man they were opposed to our invasion,* and we were actually attacked by horse artillery, before we reached the village of Hamilton, where the secretary in his letter of the 8th of August, *pre-supposed a post established, and the navy at hand to support it.* The army had not passed Prescott, when I received information, that the enemy were establishing a post at the narrows,* to oppose our passage; and I found it necessary, to detach Colonel Macomb, with the elite, to dislodge him; how this service was performed, and whether it was necessary, General Macomb's deposition will best explain. Thus abandoned in my rear, and left to the pressure of the garrison of Kingston, which the secretary of war did not seem to think, *our whole army could attack with advantage;*† and advised at the same time, by a confidential intelligencer, direct from Montreal, employed and paid by Colonel Swift of the engineers; that the enemy had the evening before, at Cornwall, 400 regular troops, at the Coteau de Lac, an island opposite to it, and on the south shore 1000, and at the Cedars 200 or 300, I called the council of war of the 8th

* Fort Matilda.

† See Appendix, No. XXXIV.

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of November, and made the exposition therein exhibited, my obligation to General Hampton, pressing on my mind.

If the movements of the elite, on the 17th, had been found necessary, surely, under information from a source deemed confidential, which I exposed to the council of war, and the demonstration to the whole army of the hostility of the country, a similar precaution, in greater strength, was judicious as we approached the main body of the enemy below; and, therefore, I added Brigadier-general Brown's brigade to the elite, under Colonel Macomb, and gave him the command on the 9th November. The movement of the army was this day so rapid, and the enemy was so cautious of committing himself, below the rapids of the narrows, before we had descended the river a considerable distance from thence, that he did not come up with our rear, until the morning of the 10th; at which time, I had received information, that he had strong detachments, posted at a block house, below me, on the bank of the river, and on an island in the Long Saut, for the purpose of galling, and crippling us, in our descent, of that extensive, difficult, and dangerous rapid.

It was in consequence of this advice, that I ordered Brigadier-general Brown to advance along the coast of the river, and Colonel Bissell to descend it, and clear the the island of the enemy; and to lighten the batteaux for safety in descending the Long Saut, Brigadier-general Boyd was ordered to land with all the well men of the other brigades, excepting a sufficient number to navigate the boats, with discretionary powers for his conduct, in guarding our movements. But, for the enemy's occupancy of the island, in the Long Saut, and for the circumstance of getting a day a-head of the advance, under Brigadier-general Brown, whereby the flotilla with the invalids, of the army might have fallen into the hands of the enemy, the boats could have put off, and reached Barnhart's by noon on the 10th; in that case, however, Briga-

dier-general Boyd, would have been left with two field pieces and his detachment, to sustain the attack of the enemy's whole force in our rear; and although Generals Boyd and Brown, had been ordered to co-operate, in case of exigency, the simultaneous movements of the enemy might have rendered this impracticable. In the perplexity of my situation, incapable as I was of bodily exertion, I flatter myself the most judicious and effectual course was adopted, to secure a junction with General Hampton at St. Regis, to which I stood pledged and on which I relied, until I was undeceived by Colonel Atkinson at Barnhart's.

With respect to the operations of the 10th and 11th of November, I feel justified in conscience, and I trust the testimony before this court, of General Lewis, of General Macomb, of General Ripley, of Colonel Walbach, of Colonel Pinkney, of Major Lee, of Major Hite, and of Doctor Bull, will prove that the detachment of General Brown, was proper and necessary; that the force under General Boyd, which engaged the enemy at Chrystler's field, *was superior to him, that it did repulse him, and that with proper conduct, it was amply competent to have routed and destroyed him;* that the re-junction of General Brown, after he had effected, the object for which he was detached, was not necessary, until it actually took place at Barnhart's; that the service, was not exposed to imminent hazard, and that it suffered no other injury, but what is incidental to military combats; and it will appear from the testimony of General Boyd's letter, before the court, and of Colonel Walbach, and Colonel Pinkney, that I neither *ordered, nor expected* our troops to withdraw from the action. The council of war, held at Barnhart's, which is in evidence before the court, was produced, by General Armstrong's letter, of the 1st of November, forbidding me to advance against General Prevost, before I had formed a junction with General Hampton, and the letter of this last officer, of the 8th of November, declining such a junction; and from the

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evidence of Major Lee, it appears, that the secretary of war did not expect me to proceed against Montreal, without the previous junction of the division under General Hampton.

CHARGE 1st.—*Specification 8th.*

This allegation is founded, on the defect of the execution, not the merits of the design. Alas! by what a precarious tenure, do military men hold their hard-earned repute, and well-deserved commendations. The renown of a soldier, hangs by a hair and is braced by a cobweb, which may be dissevered and blown away, by the slightest breeze of adversity—a fever, a frost, a hurricane, or snow storm, may wither the laurels of a veteran, and obliterate the services of half a century. *Enterprizes* without *object* succeed, while the best *concerted plans* may *fail; desperation* may carry off the palm from *true valour*, and *ignorance* and *accident* receive the rewards of *skill* and *good conduct;* yet, if to fail in military enterprizes be criminal, we can hardly find a distinguished chief, from the times of Cyrus and Xenophon to the fall of Buonaparte, who has not merited censure. If the attack on the post of La Cole, had proved *successful*, I should have been *eulogised;* as it *failed*, I *merited disgrace*, and my accuser, most willingly, threw all his weight into the scale against me; by charging me "with failing to adopt such measures, as were proper and practicable, on or about the 30th of March, 1814, to reduce the British post at La Cole Mill, in the province of Lower Canada, and to capture the garrison thereof, especially in remaining inactive four hours and upwards, before the said post, with an effective and a *well-disciplined force* under his command, far superior in number to the enemy, and fully adequate to the reduction of said place; in omitting to demand the surrender thereof, and attempt to carry the same by storm; and finally withdrawing his troops, in a hasty and disgraceful manner, under cover of the night, from before the said post, defended by a small body of the enemy; thereby deeply wounding the feel-

ings of the subordinate officers, destroying the martial spirit of the soldiers, and exposing the army to mortification and disgrace."

Until it shall become a practice, with military men to admit their antagonists, to examine the interior of their camps and posts, every offensive operation must depend, more or less, on intelligence, and, therefore, the ablest commanders after the closest inspection, the nature of the ground, and the vigilance of the enemy may permit him to make, is liable to be deceived. In the case now under inquiry, it is in proof before the court, that my arrangements for the attack of La Cole Mill, were founded on the information and opinions, of that respectable and intelligent engineer, Lieutenant-colonel Totten, who has declared on oath, that he gave me the opinion, in which he was seconded by the adjutant-general Colonel Cummings, that a 12 pounder would be sufficient, to batter La Cole Mill; that he founded this opinion, on information received from people of the neighbourhood, who had been in the habit of going to this mill, and from such information, he was induced to believe it could be carried, by a 12 pounder; that he heard Colonel Clark (of 26th infantry) say, he could knock down the mill, with a six pounder; that the ground was reconnoitred, by Colonel M'Pherson and himself, and that they selected the spot for the battery, on which it was placed, which was the best situation to be found; that from information since received, he thinks an eighteen pounder could not have made a breach in the mill, and that after the battery was opened, he expected a breach would have been made.

Here I might safely rest my justification, as to the means employed to reduce this building, because in the attack of works, as in their erection, the judgment of an able engineer, justifies the consent of the general. But Colonel M'Pherson, who commanded the battery, also swears, in answer to the 16th interrogatory, that he thought a twelve pounder heavy enough to effect a breach, and also that he wished the cannonade conti-

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nued, if the object could be effected, and that he made no report after the cannonade commenced.

No testimony has been brought to shew, that I omitted any "practicable means" to reduce the enemy's work; but although a twelve pounder was deemed, by the best judges, to be of sufficient weight to effect it, it will be seen, that I took the precaution to equip an eighteen pounder for the operation, and that I ordered it to be brought forward, but that it had broken down on the road, and that from the nature of the approach to La Cole Mill, it was found impracticable to get up a second twelve pounder, to the battery before night fall, although Major Pitts, the commanding officer of artillery, had been pressed on that subject; it of course became necessary, to remand the eighteen pounder, soon after which it again broke down. For these facts, I beg leave to refer the court, to the testimony of Majors Lush, Nourse and Brooks.

It will be remarked, I was not inattentive to the effect, of the fire of our battery on the house, for independent of my own personal observation, and inquiries, which, I confess, deceived me, I sent twice to Captain M'Pherson, by Majors Lush and Nourse, to enquire into his prospects, and his reply was, in both instances, favorable. So soon as I discovered, the battery could make no impression, I ordered the guns to be brought off. Captain M'Pherson swears, he was an hour and an half, only, on the ground, and two or three shot, only, were fired after he fell. Colonel Clark, a witness for the prosecution, who had been within La Cole Mill, describes it to be sixty feet long and forty feet wide, two stories above ground, and one story beneath; that it was pierced with loop holes, strengthened within with timber, and had one door only open, and that in the east end, which is towards the river. The court are competent to decide, on the practicability of carrying such a building by the bayonet, fortified as this was, and defended by a garrison of six hundred veteran troops. It is for my accuser, who is able to instruct "young generals," and "teach the wily

African deceit," to give the example of such an exploit, or to inform his contemporaries, by whom such example has been given. Xenophon himself, was baffled in an attempt, against a castle, in the plain of Caycus, and also in his attack of the metropolis of the DRYLANS, and in times modern, as well as ancient, we have abundant examples, of the failure of military enterprises, by the most distinguished chiefs.*

I will call the attention of the court to two only, which occurred in our revolutionary war, and may be considered in point. The unsuccessful attack of Chew's House, on the morning of the 4th of October, 1777, made by General Washington, with the main body of his army, which was repulsed after several assaults, by Colonel Musgrave, and six companies of the 40th British regiment. In this instance, a Captain Smith of the Virginia line, was sent by the commander in chief, to demand the surrender of the house, and fell with the flag waving in his hand; here too, artillery was tried in vain, *although employed against a stone house of, only, ordinary structure.*— The other case, is the attack of the block house, near King's ferry on the North river, by General Wayne, in the year 1780; the disparity of force in this case, was extreme; the house was formed of hewn logs, and defended by sixty or seventy refugees; the attack was made by two of the best brigades in the army, Wayne's and Irvine's, with a train of field artillery; yet, after several desperate assaults, in which half as many men were lost as fell at La Cole, the intrepid general was obliged to retire. But was shame and disgrace attached to these casualties? Certainly not.—General Washington and his army received the thanks of Congress, for the affair of Germantown, although beaten and retreating in disorder; and General Wayne suffered no censure, for the failure of his attack; but in my case, the *standing* of the secretary depended on my *depression*, and with him the *end* consummates the *means*.

* General Greene at Eutaw, Lord Wellington at Burgos, Bonaparte at St. Jean d'Acre, General Graham at Antwerp.

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No testimony has been produced to shew, that the troops before La Cole, were inactive or uselessly exposed. The witnesses for the prosecution, with those for the defence, all concur in a different sentiment, except General Macomb, who is of "*opinion the artillery were unnecessarily exposed, as a few felled trees, or a breast work, of fascines or logs, would have saved the men at the pieces.*" He also takes an indirect exception to the "*position of the battery;*" but this is mere conjecture and opinion, as the General commanded the reserve, and was never up at the battery. Indeed he did not visit the front line, until I was about to order the troops to retire. He admits, that "*the land fell back from where the guns stood, and it was difficult to select another position for them further off, and that the woods were so thick, he could scarcely see the mill.*" It is also in testimony before the court, by that most respectable officer Colonel Totten, who of all others knew most of the ground about La Cole, that "the troops were formed in a wood of small growth," and Colonel M'Pherson swears the "brigades of General Smith and Bissell flanked his battery;" of course, the battery itself, was covered by the wood, and small growth, through the tops of which the body of the mill could be descried, plainly enough for the direction of a cannon. It is a fact, that the men at the guns, were not more directly exposed, than those of the line; but whenever the cannon made an explosion, the sharp shooters of the enemy, directed their fire by the smoke, and hence the extraordinary loss at the guns. There were no trees or logs at hand for forming a breast work, to cover the artillery, and it would have taken more time, than could have been spared, to form a fascine battery, in snow fifteen or eighteen inches deep, and on the frozen earth. No such idea was suggested to me, either by the engineer or officer commanding the battery. General Macomb, also makes another great mistake, when he says "*it was understood, at the council of war, held on the 19th of March, that the artillery was to be secured, and covered from the musquetry of the ene-*

my." The minutes of the council of war, which are before the court, settles this point, and proves the General's error, for no such stipulation is recorded; and if the idea had been suggested, it could not have escaped Colonel Totten, who was in the council, and whose particular duty it was to have seen it carried into effect; nor is it *natural*, or *probable*, that such a proposition* should have been made, at the time, when the council had no knowledge, of the circumjacent localities of the mill and could not even know, whether it might be found necessary, to open a battery against it or not. Under the lapse of time, and the busy active scenes, in which General Macomb has been engaged, the failure of recollection, cannot be a matter of surprise, much less of censure. General Macomb, is perfectly correct, in the "opinion, that the road from Odletown to the mill, might have *been reconnoitred*, had *a sufficient force been sent to drive in the enemy*," because this is, precisely, what happened; but, he says, that when within 140 *yards of the mill, the woods were so thick, he could hardly see it.* Correct these *trivial errors*, which attach no fault to General Macomb, whose candour and honour are above suspicion, and he concurs with every other witness who has been examined, to prove that it would have been unwise, useless or impracticable, to have made *the attempt* to demand the surrender of the post, or to carry it by storm—that the troops were drawn off in day light, deliberately, and in high order—that the feelings of my subordinate officers were not wounded, nor the martial spirit of the soldiers destroyed—nor the army exposed to mortification and disgrace;—Indeed all who speak to this last point, mark the confidence, and self-complacency of the men and officers, after that affair, and bear testimony to their self-confidence, and desire to meet the enemy. It is very possible, a different *spirit* may have been *engendered*, after I had retired from the troops, and the *spies, partisans*, and *agents* of my *accuser*, had commenced their *intrigues*.

* The thing was next to impossible.

CHAPTER XV.

Remarks on Charge second, and the first and second specifications of Charge third, and the evidence applicable thereto.

CHAP. XV.

CHARGE 2d.—*Drunkenness on duty.*

The scurrilous libel on my character, published BY A DISAFFECTED CITIZEN OF OGDENSBURGH, WHOSE TRAITOROUS MACHINATIONS I HAD EXPOSED, has been dressed up with judicial solemnity, and spun out in four different specifications. I might spare any remarks, on a charge, *against the truth of which, every witness for the prosecution bears testimony;* but as the malice of my accuser, has afforded me an opportunity, of proving *the habits of my life, and my detestation of this beastly vice;* I shall briefly notice the substance of the testimony, which has been given on this point. Colonel Walbach testified, that he commenced his career of military service, under me in the year 1801, and was in my family four years, as an aid-de-camp, and was again about my person, as adjutant-general, in the campaign of 1813. He testified, that I was always particularly attentive, to the habits, manners, dress, health, police, and discipline of the troops, *and that I particularly detested drunkenness.* Colonel Nicholl, late inspector-general, testified, *that he had been acquainted with me, eight years,* that he was with me in New Orleans, *and frequently attended entertainments with me,* at that place, at Washington, and Carlisle, *that he never saw me, in the least intoxicated, but had frequently known me, discourage intoxication in others.* Doctor Bull testifies, *that he has known me from early youth, has lived in the same family, and always been intimately acquainted with me,* that my habits are social, and convivial, but *by no means intemperate, that I always en-*

joined strict sobriety, on the members of my family, during the campaign of 1813. Brigadier-general Bissell testified, that he has served with me *twenty years*, in a military capacity, that I was always attentive to the police, manners, habits, appearance, health, and comfort of the soldiery, *and always discouraged drunkenness.* Brigadier-general Porter testified, that he has been *acquainted with me since the year* 1793. His testimony was the same as that of General Bissell, he also said, that I had repeatedly issued general orders, *to discourage intoxication.* Colonel Kingsbury testified, that he had known me as an officer, *for twenty-three years*, he testified, that I was always attentive to the police, and manners, habits, health, and comfort of the troops, and *that I always discouraged drunkenness, and debauchery, as my general orders would shew.* Colonel Schuyler testified, that he had known me, in a military capacity, *between* 17 *and* 18 *years*, and gave the same testimony, as Colonel Kingsbury, did, of my attention to the welfare of the troops, *and my discouraging drunkenness and debauchery.* Major-general Macomb says, he has served with me, since the disbandment of the army, under General Hamilton, in the various capacities of aid-de-camp, secretary, lieutenant, captain, major, lieutenant-colonel, colonel, and brigadier, and he has always observed in me great anxiety to promote the discipline, police, habits, manners, and other essentials to the military character, to correct all petty vices, *and an abhorrence of drunkenness and debauchery.*

It is unnecessary to comment on the testimony on this point. *I trust the records of this court, will silence the foul tongue of calumny, which has charged me* WITH A VICE MY SOUL DETESTS, AND WHICH I HAVE ALWAYS EXERTED MY AUTHORITY TO ERADICATE FROM THE ARMY; *and whoever shall examine those records, will find that every witness (examined to the point) for and against the prosecution, has borne testimony to my sobriety before, during, and after my passage of Prescott.*

CHARGE 3d.—*Specification 1st and 2d.*

The third charge, is for "conduct unbecoming an offi-

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cer and a gentleman." To the first specification, *founded in utter falsehood, and unsupported by a shadow of proof, I have nothing to say.* The second specification is "for speaking very disrespectfully, and improperly, of the army and of the service, in which I was employed, on or about the 7th November, 1813, in the vicinity of Ogdensburgh, by damning the army, the expedition, and myself." This is one of the accusations which my persecutor prefers against me, on the authority of "*letters, received at the war department.*" The world would suppose, from a perusal of the charge, that at the head of the troops, or at least in public company, I had most outrageously, and indecorously abused the army under my command. It would scarcely have been believed, *by a man of honour,* that this charge could have been founded, on the disclosure of a private and loose conversation; *much less would a man of honour, have descended to so vile a resort, to gratify his personal views, for in this case the public good could have had no influence.* But the ready *road* to *promotion,* was through the *passions* and *interests* of the secretary, and who he could *soothe* the one and *gratify* the other, was *sure* of *success.* Colonel King was a Major, and several new corps were to be established. He made the communication to the secretary, which was greedily swallowed and duly rewarded. If I really did utter the language imputed to me, which I cannot admit, I should plead in extenuation, *the abuse lavished by the Colonel, on the division of the army to which he belonged.* It is not because the expressions, attributed to me by Colonel King, would convict me of any military crime, that I should take the trouble to prove I never uttered them; *my only object is, to shew with what vindictive malice, I have been pursued by my enemies. I wish to expose the system of espionage, which has been introduced into our army, and which, if encouraged, will infect the whole corps with jealousies, and dissolve the bonds of friendship, honour, and patriotism.* The object of Colonel King's visit to me, appears to have been, to deceive and beguile me, by false representations respecting the dis-

position of General Hampton, and the state of his army, which he must have understood, because of his official station as adjutant-general, and his confidential standing with the General. In this respect, his mission to me was perfectly successful, *but for the fatal assurances of the co-operation of General Hampton, and my consequent engagement to meet him, I should have turned about, on our arrival at the White House, and beat the enemy who had so unexpectedly eluded Commodore Chauncey, carried the post of Prescott, and marched against Kingston.* But the secretary of war, had assured me of the *cordial co-operation, of General Hampton, until the end of the campaign;* at this ill-fated moment, Colonel King made his appearance, "he made the worse appear the better reason, to perplex and darken maturest counsels." My experience of General Hampton's insubordination, ought, I confess, to have put me on my guard, but anxiety for the promotion of the public service, led me to believe what I anxiously desired. It now appears, that Colonel King was not content, to blast my hopes, but sought to destroy my reputation, as a gentleman and an officer—most fortunately for me, the prudence of Colonel King, was not equal to his malice. The violence of his passions, threw him off his guard, *and in his zeal to convict me of conduct, unbecoming a gentleman, he has proved himself to be unworthy of credit. Mr. King stands discredited on the records of this court, by the testimony of other witnesses; and I shall shew from his conduct towards me, that it is impossible, any thing he says of me, should be entitled to belief.* On the first day of his examination, the Colonel testified, that he went with General Lewis down the river, and met me returning in my barge, from reconnoitring Prescott; that after landing and remaining a few minutes on shore, he went with me on board my schooner, when he says I spoke in such a manner, as to induce him to suppose, *I was dissatisfied with my situation, and with the state of the army I commanded.* He says, I spoke of A COUNCIL OF WAR, WHICH HAD BEEN HELD THAT DAY, to which I had submitted the state of my ammunition, and provi-

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sions, and that the council had determined, THE ARMY SHOULD PASS PRESCOTT, THAT NIGHT. *That I spoke in such a manner, as to induce him to think, I was dissatisfied with the decision. That I damned the army, and wished I had been in hell, before I ever saw it.* The Colonel added, he considered the conversation UNIMPORTANT, and it made no great impression on his mind, and of course he could not be so particular, as he otherwise might. After his memory, was a little refreshed, by a question put by General Lewis, the Colonel recollected, *that when I damned the army, I made an exception, in favour of the division from Fort George,* and consequently, my curses fell exclusively, on the heads of the troops from Sackett's Harbour. The witness swore, that he continued on board my vessel, an hour or an hour and an half, that it was after dinner, about 3 or 4 o'clock. He *says, other gentlemen were near enough to hear the conversation, and that my conduct was not in the least violent or outrageous.* Every part of this narrative, *carries falsehood and absurdity on its front,* and without recurring to the testimony of General Lewis, and the other gentlemen who were on board of my vessel, *might be shewn to be unworthy of belief.* This court cannot suppose, that without any conceivable motive, I could have uttered the ridiculous string of falsehoods, which Colonel King ascribed to me; *that I should have spoken to him, of the proceedings of a council of war, which never was held, or should have complained of being forced into a movement, which I had ordered the same day, before I saw him, without consulting any person.* If this part of his testimony is stamped with falsehood, the manner, in which he limited my execrations of the army, is perfectly absurd. *According to the Colonel, I damned the army,* but in the same breath, *praised the division from Fort George.* No reason is assigned, why my curses fell, exclusively, on the rest of the army. *There is not a particle of evidence, to prove any misconduct,* in General Lewis's division; *I therefore must have damned them, in mere wantonness,* yet my conduct, was not in the least violent or outrageous, says the Colonel.

Such a clumsy, inconsistent story, can never be entitled to belief; and still less so, when the witness declares, *he considered the conversation unimportant*, that it made no great impression on his mind, and of course he cannot be so particular, as he otherwise might. Light and unimportant, however, as the conversation appeared, and faint as his recollection of the particulars of it was, he confesses that the information, on which the charge was founded, was given by him to my accuser; and the court have seen him, traversing the continent to support the accusation by his oath. *The story of Colonel King is destitute of probability in itself, and the testimony of the other witnesses, will show it to be utterly false.* I will first call the attention of the court, to the testimony of several gentlemen, who were on board my vessel when Colonel King came there. Colonel Nicholas testifies, that he saw Colonel King, when he came on board; that he conversed with me a very short time, merely to pass a salute, and stepped to the other side of the vessel, to converse with some of his acquaintance; that at the time, I was writing, or dictating a letter, Major Nourse testifies, that Colonel King came on board my vessel, and received a letter which I had prepared for General Hampton; that he remained on board a very few minutes, *and the only conversation he heard, was my wishing the Colonel a good ride;* Major Nourse added, on his cross-examination, that it was between 2 and 3 o'clock, when Colonel King came on board, and he does not think he remained above ten minutes in the vessel. Major Lee testifies, that he was on deck, during the time Colonel King was on board; he says *there appeared to be no interesting conversation between the Colonel and myself.* The testimony of these gentlemen, it is agreed, is only negative; but when the court recollects, that they were all attached to my family, and partook of my confidence, that they were on the deck, during the whole time of Colonel King's stay, and that from the testimony of Colonel King himself, they were near enough to have heard a conversation between us, particularly of the kind which the Colonel as-

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cribes to me, and *as such language is usually delivered with emphasis, it is hardly credible, that Colonel King could have conversed with me, above an hour, and no gentleman have heard a word of the conversation, except my wishing him a good ride.* It appears from the testimony of Doctor Bull and Major Nourse, that the information which Colonel King gave me, in the conversation on the log, in presence of General Lewis, had put me in good spirits; those gentlemen testify, that immediately on leaving Colonel King, I told them his information had much relieved me, as I was assured by him, of General Hampton's co-operation. Every witness who saw me that day declares, that I expressed no dissatisfaction, at the state or conduct of the troops. Doctor Bull and Colonel Nicholas say, I was uncommonly cheerful; and General Lewis testifies, that I appeared in better spirits than usual, which he thought I had assumed, to inspire confidence in the important movement, we were about to make. All this testimony is utterly irreconcileable, with the dissatisfaction which Colonel King says, I discovered with my own situation, the state of the army, and the conduct of the officers; the testimony of General Lewis puts it beyond a doubt, that Colonel King's impressions of the conversations, *must have been faint indeed, or that he has wilfully and deliberately sworn to a falsehood.* General Lewis gives an account, of the visit of Colonel King and of his interview with me, which I shall introduce in the words of the witness. "I understood (says General Lewis) Colonel King had arrived, and was on board General Wilkinson's vessel; I went to see him, told him General Wilkinson had gone down the river, to reconnoitre Prescott, and took him in my gig, to introduce him to the General. As we were going down, he asked me, *whether the old gentleman would be found in good humour; for,* says he, *if he bounces, I shall.* I told him he might find the General, a little petulant from indisposition, but that he must give way to him; he said, certainly he should. We met the General returning; Colonel King asked him, if he had any communications for

General Hampton, that he was anxious to return. General Wilkinson then proposed, that we should land for the convenience of conversation, which we did; we then retired a little distance from the boat and sat down on a log. General Wilkinson then asked him, if the report we had was true, that General Hampton's army had been defeated by a party of 300 men; he said, he could not speak with precision, of the number opposed to us, *but that we certainly had to contend against a very inferior force, and our troops behaved in the most rascally manner.* General Wilkinson then exclaimed, *Damn such an army, a man might as well be in hell, as to command it.* He then observed, *But what is to be expected from men, who as soon as they are inlisted, are marched to the field without having acquired the first rudiments of their profession;* however, said he, MY MEN WILL BEHAVE BETTER, *at least, I can answer for those who came from Fort George!* I received this, as an implied reflection upon the troops from the Harbour, and therefore observed, the troops from the Harbour will not be behind hand; he then replied, that with respect to those, he was not so well acquainted, but for them, you and Brown must answer. This was the substance of what passed, and I believe pretty near the words."

I have recited General Lewis's testimony at length, that the court and the world may see, *how much more probable his relation is, than the story told by Colonel King.* The Colonel admitted on his cross-examination, that he made the observations, which General Lewis ascribes to him, respecting General Hampton's army, but declared the conversation took place in my vessel. Finding, however, that General Lewis had a distinct recollection of the conversation, the Colonel, on the second day of his examination, endeavoured to patch up his absurd story, by swearing that a similar conversation, took place both on shore, in the presence of General Lewis, and in my vessel, when the General was not present. Is it not too gross a supposition to make, even for the purpose of supporting the tottering credit of a witness, that within the

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course of *two hours, the same dialogue should have been repeated?* Colonel King found he had gone too far to retrace his steps; the *charge* of abusing the army, *rested* on his *shoulders*; he was *pledged*, therefore, *to convict me of it;* though until General Lewis refreshed his memory, at the close of his first day's examination, he had entirely forgotten the conversation on shore. Not choosing to contradict General Lewis outright, he admits that a conversation, such as General Lewis states, took place on the log. The Colonel had been driven into narrow bounds, but sooner than be penned up, he leaps the fence, and swears that a conversation on the same subject, had occurred on board of General Wilkinson's schooner. Colonel King has, however, placed himself in the unpleasant situation, of having his testimony put into the scale against that of General Lewis; when the conversation on shore, was brought to his recollection, he persisted in saying, that in that conversation, I expressed myself concerning my situation, and that of the army, in a similar manner, to that related by him, as having taken place on board my schooner;—in other words, that I damned the army and myself, (excepting the troops from Fort George) both on shore and in the vessel. But if any credit could be given to testimony, in which so many absurdities and falsehoods are apparent, and which is so pointedly contradicted, by the testimony of other witnesses, *it must be destroyed by the deadly hostility and malice, which he has manifested against me.* The court will remember, that this witness, VOLUNTARILY, answered some questions, which do not appear on record; but as he answered them on oath, I am entitled to make use of them, although not deemed relevant to the issue, *for the purpose of impeaching his credit.* He was asked, "*whether he had ever spoken disrespectfully, and contemptuously, of General Wilkinson?*" which he *answered in the affirmative.* On being asked, "*whether he had not communicated, to the late secretary of war, the conversation held with General Wilkinson, on board the boat; and if so, whether he could say when, and for what purpose?*" he

admitted he had made "*the communication, about the 24th of November, 1813, in Albany*; but *said*, he *should decline answering, what his motives were.*" He also declined answering, "*whether there was not, in the conversation, on board of General Wilkinson's boat, an implied confidence, which in the ordinary intercourse of life, puts a seal on the lips of gentlemen?*"—Biting his lips with rage, he said, "SUCH QUESTIONS DID NOT DESERVE AN ANSWER." The last question put to him, was as follows: "*Have you not at another time,* WHEN A CANDIDATE FOR A COMMISSION, *said to a senator of the United States, that you were extremely distressed, at being informed, General Wilkinson was offended with you; that any military information you possessed, emanated from him; that there was no officer in the army, for whom you had so high a respect, or who you thought, was so capable of commanding the troops?*"—Although the court, did not oblige the judge advocate, to record the witness's answer to this interrogatory, it was too remarkable, to escape the recollection of those members of the court, who heard it: *he positively denied making the observations*, and said, he "*must have been crazy, had he made them.*" I have satisfactory evidence to offer to the court, that he did make them, as will be seen by reference to General Smith's affidavit.*

* Interrogatories proposed to the honourable Samuel Smith, senator of the United States, and his answers thereto.

1*st Interrogatory.*—Did Colonel William King, of the 3d rifle regiment, hold a conversation with you, in the month of March or April 1814, respecting Major-general Wilkinson; expressing his sorrow at understanding, the said Major-general Wilkinson, was offended with him: if so, will you be pleased to state particulars?

Answer.—Colonel King of the rifle corps, then a Lieutenant-colonel in the army of the United States, visited me during the session of 1813-14, and observed, that he understood, that General James Wilkinson was offended with him; that he regretted it very much, for that there was no officer in the army, for whom he had a greater respect, or who he thought more capable of commanding the army; that he presumed, that General Wilkinson's anger against him, arose from his having misled him, as to the strength of General Hampton's army; that he had no improper motive, for that when he left that army, he had believed it to have been 4,000 strong, and that he could not but suppose, that general, with such a force, would cheerfully

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No wonder that, on his examination, he was willing to deny such gross hypocrisy, even at the expense of truth. The explanation which he attempted to give General Smith, of the deceit which he practised against me, was so shallow and void of plausibility, that I am astonished, it should have escaped the discernment of General Smith. For Colonel King undoubtedly succeeded, in convincing that gentleman he was my friend. The relation, Colonel King held with General Hampton, forbids the supposition, that he was unacquainted with his views, or ignorant of the state of his army. From his own story, *he was the confidential friend of Gen. Hampton, and the go-between of that general and the late secretary of war.* It was through Colonel King, that General Hampton received the commendation, of "well done good and faithful servant," *for disobeying my orders,* and it was to Colonel King, that the secretary first uttered his denunciation against me. *Still less could Colonel King, be ignorant of the state of General Hampton's army, and, also, of the General's determination, not to join me.* This is manifest from General Hampton's letter, of the 1st of November, to Gene-

have joined General Wilkinson; but that on his return to General Hampton, he found the army greatly reduced, and from sickness becoming weaker daily.

2*d Interrogatory.*—Did the said Colonel King, desire you, expressly, to communicate the aforesaid to Major-general Wilkinson.

Answer.—On my asking Colonel King, whether it was his wish, that I should communicate what he had said, respecting General Wilkinson; he answered, that it was, and that he would be much obliged to me, if I would take that trouble. Being called home to see one of my daughters, then very ill, my promise was forgotten for some time. I however wrote a letter dated 3d April, 1814, to General Wilkinson; which letter is now before me, making the communication requested. My object was to conciliate to each other, two gentlemen, for each of whom, I had a regard.

3*d Interrogatory.*—Has the said Colonel King, at any time since, held similar language to you; and if so, will you say when?

Answer.—Colonel King visited me, during the present session of Congress, and spoke of General Wilkinson in terms of respect.

(Signed) S. SMITH.

Sworn, at Washington City, Feb. 27th, 1815, before
JAMES H. BLAKE, *Mayor.*

ral Armstrong, of which Colonel King was the bearer.* Is it conceivable, that General Hampton's corps had been so greatly reduced, in the short period of five or six days, that the adjutant-general could scarcely know it for the same army, as he attempted to persuade General Smith? *It may be asked, how all the deceit and* TREACHERY, *which this man has practised towards me, is to be accounted for? What object could he have, in endeavouring to persuade General Smith, that he was my friend and admirer? I answer—that he was attempting my ruin, for reasons which I am still to learn, and as a mean to effect his purpose, he found it necessary to cheat those, whom he considered my friends. His particular object* at Washington, in the session of 1813–14, *was to obtain a Colonelcy*, and having obtained the necessary rank, *he was to officiate as a member of a court martial, to try me on a charge, founded on his own information, thus concentring in his own person, the triple duties* of INFORMER, WITNESS, and JUDGE. The *plan was certainly well laid, and worthy the late secretary of war.*

It would have been a rare administration of justice, and a summary mode, of disposing of an old general, *to have* tried me before a court, *where Colonel King was to furnish the proof and give the verdict.*

CHARGE 3d.—*Specification 3d.*

On the 3d specification, I have very few remarks to make. The letter on which the accusation is founded, was the hasty effusion, of my heart, *produced by the information I had just received, of the death of a gallant officer*, under circumstances which induced me to believe, *he had inconsiderately exposed his life.* It was written to a gentleman, with whom I had been on terms of intimacy, from early youth. Though a hasty production, I would not, on the maturest reflection, desire to alter a sentiment which it contains. I have no intention of entering into a defence of the military maxims, which it inculcates. The court must judge of their correctness, and I am willing to be judged, by the severest rules of military criti-

* See Appendix, No. LXIX.

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cism. If wonder is excited, that the letter in question, should be made the ground of a criminal charge, the circumstances under which the charge was made, must excite still more astonishment. General Lewis has testified, that the late secretary of war, acknowledged that the letter was inclosed to him *unsealed.* THE SECRETARY AND MR. PARKER HIS CLERK BOTH PERUSED IT, and it was then forwarded to General Lewis, under the seal of the war office.* All this was done, previous to my arrival at Washington, and before I was appointed to the command of the district.

If I had committed a crime, in writing the letter, my accuser became an accessary to it; why was the letter inclosed to the secretary unsealed? certainly, that he might peruse it, and forward it if he approved of the sentiments, or suppress it if he thought them improper. But still greater was the offence of the secretary, *in intrusting a high and responsible command to a man, who had* (to use the language of the charge) *been guilty of an act "which struck at the very foundation of military character and service, and which was calculated, to bring shame and dishonour, upon the American arms."* Surely the passions of my accuser, had obscured his understanding, when he penned this charge against me. His malevolence had taken the reins of his judgment, and HE *stands self-convicted of the shame, and disgrace, which he sought to attach to* ME.

CHARGE 3d.—*Specification 4th and 5th.*

The remarks made upon the 2d Charge "*Drunkenness on duty,*" apply equally to these specifications, or at all events to such parts of them, as the prosecutor has attempted to support by proof.

* In a letter submitted to the general court martial, from General Armstrong, in which he dealt out a fresh calumny against me, he declares that this letter was also submitted to President Madison, and after the conjoint deliberation of the trio, it was agreed that the poisons it contained, could not affect the mind of Major-general Lewis, and therefore it should be sealed, and sent forward to him. What a Secretary! What a President! for the intelligent, virtuous freemen of the United States.

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CHARGE 3d.—*Specification 6th.*

The sixth specification is in the following words:—"In inducing Brigadier-general Swartwout to send or convey to him an original order given by him, James Wilkinson, to said Swartwout, for the purpose of having it copied, pretending to have no copy thereof; and after obtaining the said original order, declining to return it, on the pretence that he had not seen the same, or been in possession thereof; or that it had not been communicated to him since the time of its issue: thus falsely, and unjustly withholding an order essential to the safety of a high and responsible officer."

In this specification, my accuser has attempted, to cast an imputation on my honour; *but the poisoned javelin, which has been hurled at me, will recoil on my enemy.* The proof on the part of the prosecution, rests *on the testimony of the quarter-master general alone*, who, on this occasion, certainly did not appear before the court as a dispassionate witness. The paper which the quarter-master general charges me with detaining, is my order to him of the 25th of August, 1813, directing him to have the dragoons mounted, and to procure transport, for the removal of the divisions of the army, at Fort George and Sackett's Harbour.

The quarter-master general testifies, that shortly before the troops sailed from Sackett's Harbour, I applied to him for the original order, for the purpose of taking a copy. That I observed to him, it was the only important paper, of which I had not retained a copy; that I applied to him for the order again, at Plattsburgh, on the 21st of February, 1814, where I again observed, that it was the only important document, of which I had not a copy; that by some mistake, none had been taken, or if taken, was lost; that he then promised to send it to me, and accordingly searched for and found the order. On the 22d of February, in the afternoon, as he was enclosing it to me, my orderly entered with an unimportant letter; that he requested the orderly to wait, as he had a communication to make to me; that he accordingly, en-

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closed, sealed, and sent it by the messenger. General Swartwout further testified, that he was at a party at judge De Lord's, my head quarters, the same evening; that my aid-de-camp, Captain M'Pherson, came from an upper room; that he asked Captain M'Pherson, "*if he had copied the order*, as he would then take back the original;" to which Captain M'Pherson replied, "that he had not time to copy it, but would do so, and send him the original by 10 o'clock the ensuing morning."

The next morning, between 8 and 9 o'clock, Gen. Swartwout says, he received a note from me, requesting him to send the order he had promised; astonished at the contents, he called immediately on me, and after I had done breakfast, shewed me the note, expressed his astonishment, at what had happened, stated what had passed the evening before, between him and Captain M'Pherson, and looking me stedfastly in the face, said emphatically, "BY GOD, GENERAL WILKINSON, THAT ORDER IS IN THIS HOUSE;" that I expressed my regret, that the order could not be found, but did not acknowledge I had received it; and that I said, I would give 100 guineas to have it, and appeared as much interested in the loss as he was; that nothing more passed, and no person was present.

This was the testimony given by the quarter-master general on his direct examination. On his cross-examination, when asked why he did not send a copy of the order to me, instead of the original, he answered with Spartan brevity, "FEELINGS OF DELICACY TOWARDS MY SUPERIOR OFFICER." The next question, put to the quarter-master general was, "*for what purpose did you cause the order to be copied, and the copy attested, before you sent the original?*" To which he replied, "*to guard against accident or design.*" The general was then asked, whether he had any reasons at the time, to suppose I should destroy or withhold the order; to which he answered, "*that he had no reason to suppose I should destroy it, but it was possible I might detain it;* that some time before the delivery of the

order, I had told him, that I had asked for a court martial, but did not recollect, whether at Plattsburgh, Malone, or French Mills, and the detention of that letter, might have a bearing upon my trial." The reasons assigned by the quarter-master general for supposing I had received the order, were, "*the answer of Captain M'Pherson, when he spoke to him on the subject, and my conduct the next morning*, as stated by the witness in his testimony."

Having presented to the court, the principal parts of the quarter-master general's testimony, on the subject, I shall take notice of some of the absurdities and falsehoods, which appear on the face of it. The first thing to which I shall call the attention of the court, is the order itself. "Was there any thing so peculiar in that order, that I could have had any motive for getting it into my possession?"

The quarter-master general was asked this question, and his answer to it is remarkable. "*It is not for me to determine*," said he. If the quarter-master general was unable to assign any sufficient motive, I cannot think the court will be able to do it. The order might, indeed, have a *bearing on my trial*, before a court martial; and I have had occasion, *repeatedly to refer to it*, in repelling the charges against me. It is somewhat singular, however, that the idea of using it on a trial, should have been *suggested before the expedition left Sackett's Harbour, for the quarter-master general swears, that I applied to him before that period.* There is another striking fact in the quarter-master general's testimony. He had taken the pains to make a copy, and procured it to be attested by a witness, before he would risk sending it to me. This, he says, was to "*prevent accident or design;*" for he had been told by me, that I had asked for a court martial, and the detention of this order might have *a bearing on my trial.* But how does the suspicion which the quarter-master general showed in this instance, agree with the "feelings of delicacy towards a superior officer," which induced him to send the original, instead

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of a copy? Is it possible one can admit feelings of delicacy, towards a man against whom he harbours such odious suspicions. The reasons which the quarter-master general gave for his belief, that I received this order, are most extraordinary. What was there in the conversation of Major M'Pherson, even as stated by the quarter-master general, which could authorise him to lay to my charge so dishonourable an act, even if Major M'Pherson's answer, to the quarter-master general, might imply that he had seen the order? Was it, without ascertaining the fact to a certainty, sufficient to authorize so foul a suspicion against a superior officer, towards whom feelings of delicacy and respect had, until that time, been entertained? Why did not the quarter-master general take measures to see Major M'Pherson, by leaving a message at his lodgings? The other reason assigned for his suspicion, is still more surprising. What was there in my conduct, when he called upon me, as stated by himself, which authorized the suspicion? He says I expressed great regret, that the order could not be found, and appeared as much interested by the loss of it as he himself. But perhaps the quarter-master general discovered something in my looks, when he *stared me in the face and swore so emphatically*, which he could not describe to the court; for surely no part of my conduct, to which he has testified, could afford the least ground for the vile suspicion.

I might rest my defence against this charge, on the entire failure of the evidence on the part of the prosecution. But I owe it to my reputation, to show to this court and the world, that the quarter-master general, Swartwout, could not have had the slightest ground for casting this imputation on my honour. The testimony of my secretary, Mr. Bell, puts it beyond all doubt, that I have always had two copies of the order, of the 25th of August, in my possession; one in my letter-book, and the other on my files. Mr. Bell testified, that in consequence of a correspondence I had with the secretary of war, respecting a requisition which I had made on the quarter-master

general, for a large quantity of forage, in which I stated to the secretary, *that if there was a deficiency of forage, it was the quarter-master general's fault,* I wished to find the copy of the order, to shew the secretary; that much search was made for it, and it could not be found. Mr. Bell says, among other papers which he shewed me, at the time of the search, was *this order of the 25th of August,* and that I informed him, *that was not the paper which I wanted.* From this testimony it appears, that at the very time, I requested the quarter-master general, to lend me an original order for the purpose of taking a copy, the order of the 25th had been handed to me by my secretary. What, then, could have been my motive, in asking General Swartwout for this order? Certainly it could not have been necessary for my justification, whilst I was in possession of a copy, made by my secretary from the original, at the time it bears date, and had another copy entered in my letter-book. But the order might have been necessary to the "justification" of that "high and responsible officer," the quarter-master general. If I had any motive, therefore, it must have been to rob him of an order necessary to his justification. Even General Swartwout would not ascribe to me, a motive so ridiculous. He thought the possession of the order might aid me in my defence. The extreme folly and absurdity of such a motive, would suffice to refute the charge, as every gentleman of my family, and every agent in the quarter-master's department, would have been competent witnesses to prove the existence of the order, had I been weak enough to have destroyed or withheld it. I may confidently assert, that no rational motive can be assigned, why I should have made such an attempt. The quarter-master general has sworn, that he was *certain and positive,* that the order which *I asked him for at Sackett's Harbour,* was *the order of the 25th of August.* The most favourable supposition which the court could make for the witness, would be to consider him mistaken, otherwise the facts sworn to by Mr. Bell are incredible, and my conduct in-

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explicable. But I shall endeavour to show, that the order which I requested the quarter-master general to lend me, was not the *order of the 25th of August*, and shall raise a presumption, at least, unfavourable to the credit of General Swartwout.

The testimony of Mr. Bell, which I have already alluded to, must satisfy the court, that I was very solicitous to find an order respecting forage, which I had, or believed I had, given to the quarter-master general. I had some correspondence with the secretary of war, respecting the requisitions I had made for forage, and the failure of the quarter-master general to comply with them. This will appear by the letter of the secretary of war, of the 19th October, and my answer of the same date, in the printed documents communicated to Congress, on the 31st of January, 1814. The secretary in his letter informed me, that the quarter-master general said forage could not be obtained, as *"it must be carted from Lowville*, (40 *miles distant,*) *and transported hence by water."* In answer to which I observed, *"If there be a deficiency of forage on our part, it is the fault of the quarter-master general, who was instructed, as early as August, to lay in a supply of* 12,000 *bushels for the subsistence of the cavalry."* It was for the purpose of satisfying the secretary, of my early attention to this subject, that I wished to find the requisition made on the quarter-master general, as is sufficiently proved by Mr. Bell who says my solicitude to find the order was great, and the search for it was renewed at Plattsburgh, but it was never found. The quarter-master general admitted on his examination, that the *secretary shewed him my letter of the 19th*, and the court cannot have forgotten the sensibility of the witness on the occasion. He also admitted, that he had received orders, to lay in forage for the expedition, but swore the orders were verbal. I may here remark on the improbability of my having given, so loose an order on so important a subject, as the supply of forage for the expedition. It, certainly, was not my usual course on similar occasions. But I have proven to

the court, that I did issue a written order, to lay in a large quantity of forage, in the month of August. Doctor Bull swears that, in the month of August, before my family was organized, he copied several papers for me, and, among others, he has a distinct recollection of copying a letter to the quarter-master general, containing a requisition for tools, implements, and materials of various kinds, with a quantity of oats, for the depending expedition. Colonel Pinkney testifies, that soon after I arrived at Fort George, I informed him, I had ordered the quarter-master general to provide a large quantity of forage, for the expedition. The attempt was made to impugn this evidence, by proving that I almost always preserved copies of my orders and letters. But the greatest attention, cannot always prevent such accidents. My situation, on my first arrival at Sackett's Harbour, was not such as to enable me, to observe my usual method of preserving my papers. The very fact, of my having employed my physician, to copy my correspondence, would be sufficient to account for the loss of a paper. I could not expect from him, the exercise of all the care and attention, which I should have exacted from a secretary. In other parts of his narration, respecting this business, the quarter-master general stands contradicted. He swears that some time, previously, to my renewing my request for the order, at Plattsburgh, I had informed him, that I had asked for a court martial; and this induced him to think, I might wish to detain the order, to answer some purpose on my trial. The court will see, in my letter to the secretary of war, dated Plattsburgh, 20th March, 1814,* my first request for a court martial. This was a month after I applied to General Swartwout, at Plattsburgh, for the order; and the General says, it was some time before my application to him, that I informed him, I had asked for a court martial. The quarter-master general's memory, must, therefore, have been treacherous, and the motive ascribed to me, for

* See Appendix, No. L.

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desiring to get away his order, could not have existed. I now invite the attention of the court, to the testimony of Major M'Pherson, Mr. Bell, and Colonel Pinkney. The deposition of Major M'Pherson, utterly destroys the foundation, on which the quarter-master general founded his imputations: it does more; it contradicts the General in a material point, and convicts him of a gross mistake or wilful misrepresentation. If the language of the two witnesses is attended to, the contradiction will be manifest. I shall, therefore, quote the testimony from the record. General Swartwout swore, that he sent the original order by my orderly sergeant, on the afternoon of the 22d of February, "that on the same evening, while on a visit at Judge De Lord's, General Wilkinson's head quarters, his aid-de-camp, Captain M'Pherson, came from an upper room; the witness asked him if he had copied the order, as he would then take back the original; Captain M'Pherson replied, that he had not had time to copy it, but would do so, and send him the original by 10 o'clock the next morning." Colonel M'Pherson's deposition on this point, is as follows: "There was a dance on that evening (the 22d Feb.) at the house of Judge De Lord, in Plattsburgh, attended by several officers, exclusive of General Wilkinson and his suite, who lived in the house; General Swartwout spoke to me respecting *a paper*, I think he said *an order*, he had sent to General Wilkinson, and asked me to copy it, or have it copied for him, and return it the next morning, as he intended to leave town for New York; I replied, I would copy it or have it copied, and return it to him the next morning. Early the next morning, I looked for the paper, and could not find it." On his cross-examination, Colonel M'Pherson says, the order was *never received at head quarters to his knowledge*. How must the quarter-master general torture the language of Colonel M'Pherson, to have enabled him to draw from it the inference, that I had received the order, and that Colonel M'Pherson knew I had received it? The quarter-master general swore, that he sent the order by my orderly sergeant; that he did not

know his name, nor did he ever see him afterwards. Colonel M'Pherson says, when he looked for the order to copy next morning, he could not find it; that I seemed very uneasy at the loss of it, and directed him and Mr. Bell to make search for and discover the orderly, to whose care it had been intrusted; that strict search was made, but it could not be found, nor could it be discovered by whom it had been sent; that he was my military secretary and enjoyed my confidence, and that he and Mr. Bell had charge of all my official papers at head quarters. The testimony of Mr. Bell agrees precisely with that of Colonel M'Pherson. Colonel Pinkney swears, that while he acted as adjutant-general, at Plattsburgh, he came to my quarters at orderly hour, and found Captain M'Pherson and Mr. Bell busily employed, in searching for a paper, which General Swartwout said he had sent to head quarters, by an orderly sergeant; that I expressed much anxiety, and requested him to enquire, what sergeants had been on duty; that the standing orderlies were all examined, and denied having carried the letter; that the orderlies appointed by the adjutants, were also sent to head quarters to be examined, but no person was ever discovered, who had carried the letter. Colonel M'Pherson testifies, that he has no recollection of General Swartwout's telling him, that the order which he had sent to me, was relative to mounting the dragoons and furnishing transport for the expedition; and to a question put by the judge advocate, "whether he has any reason to believe Major-general Wilkinson ever received the order, or knew of its being received?" Colonel M'Pherson answers, *"if I had thought General Wilkinson ever had received that order, or knew of its being received, I should have regarded his denial of its reception, as base and treacherous, and instantly relinquished the duties of his staff."*

I trust I have offered to the court, all the evidence, to disprove the base imputation made upon my honour, which the nature of the case admits. I have shewn, that I could have no possible motive for getting possession of the order, or for detaining it; and I have shewn that it

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was morally impossible that I ever received it. Is it not most astonishing, that the quarter-master general should have made so foul a charge against me, on the very trivial circumstances of the suspicion, which he states? Was he not bound by every obligation of honour, justice, and decorum, to have been assured from Captain M'Pherson, that the order had been received at head quarters, before he lodged an information against me? Is it any excuse that he called at Captain M'Pherson's lodgings, and did not find him at home? Was it beneath the quarter-master general's dignity to leave a message for Captain M'Pherson, requesting an interview? How could he be assured, that the man who carried the letter, was my orderly, when he had no recollection of his name? If my orderly, or any orderly who had been on duty, had carried the letter, he surely could have been traced.

I shall make one more remark, on the quarter-master general's testimony. He says, that the morning after he enclosed the order to me, he received a note from me, requesting him to send the order, which he had promised. This note excited astonishment. He says it was delivered *by an orderly*, but not the same one who carried the order. It would certainly have been more satisfactory, if the quarter-master general had *preserved this note*, and *produced* it on his *examination;* it might have explained some of the mysteries of the transaction. Perhaps it would have appeared, that it was the same note which Mr. Bell carried. And this is certainly very probable, as the quarter-master general has not told the court, that he received more than one note, from me, requesting him to send the order. Perhaps the note, if it had been produced, would have had an unfavourable bearing, on the credit of the quarter-master general in another respect. It might have appeared from it, that the order of the 25th of August, was not the one I requested him to send. A man of ordinary prudence, would certainly have preserved a note, which would have convicted me of a falsehood, if the quarter-master general put the right interpretation, on Colonel M'Pherson's

conversation. General Swartwout* has not informed the court, what became of this note, and they are left to form, their own conjectures respecting it.

CHARGE 4th.

The last charge exhibited against me, is for "countenancing and encouraging disobedience of orders." In issuing a general order at Waterford, in the state of New York, on the 18th January, 1814, and communicating the same, to Colonel Simon Larned, then in the military

* The following letter, from General Swartwout, proves his inconsistency beyond controversy, and must stagger all confidence in his candour;—having, as he swears, detected me, *on the 23d of February, 1814, in a most dishonourable act*, which he found it necessary to report to the secretary of war, and having received permission, to repair to the seat of government, and actually taken leave of me; on what ground can we account for this courteous *billet*, this *voluntary effusion of respect* from him, written the *very morning after this pretended detection, and the ferocious* "BY GOD, GENERAL WILKINSON!" it will be in vain, that the most ingenious casuist, shall search for a justifiable motive, *if General Swartwout has sworn truly*. He was released from my command, and had long before declared to Doctor Ross, "*he*, the Doctor, *had nothing to fear from me, for that I stood very low at the seat of government.*" He was on the wing to General Armstrong, who hated me, and who ruled poor President Madison, with a despotic hand; he had nothing to apprehend or hope, from an officer, who he knew had been denounced, by the secretary of war. How then are we to account for this *oblation* of *gratitude*, but by an impulse of justice, which my conduct extorted, in spite of hatred, malice, and self-interest.

"*Plattsburgh, February* 24, 1814.

"Sir,

"The campaign being closed, it becomes absolutely necessary, for me to go to Washington, to settle the accounts of my department. Having obtained your verbal permission, I pass this note thanking you for your politeness, and at the same time assuring you, that the quarter-master's department at this post, is properly organized, and fully competent to all the wants of the army.

"I have the honour to be,

"Sir,

"Your obedient servant,

(Signed) "ROBERT SWARTWOUT.

"*Major-general Wilkinson.*"

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service of the United States; of the tenor and effect following:

GENERAL ORDER.

"*Waterford, January* 18, 1814.

"A military officer is bound to obey, promptly and without hesitation, every order he may receive, which does not affect his honour; but this precious inheritance must never be voluntarily forfeited; nor should any earthly power wrest it from him. It follows, when an officer is made prisoner and released on his parole of honour, not to bear arms against the enemy, that no professional duties can be imposed upon him, while he continues in that condition, and under such circumstances, any military man will justify him for disobedience. Captain J. D. Coon of the 16th infantry, and Captain Elam Lynds of the 29th infantry, will join their respective regiments without delay, and report to the commandants thereof.

"JAMES WILKINSON.

"Intending to contravene and defeat an order given by the war department, in relation to prisoners of war, and communicated to the said Colonel Simon Larned, commanding at Greenbush, in the state of New York; thereby countenancing, and intending to encourage subordinate officers, to disobey orders from the war department, and particularly that in relation to the duties to be imposed on prisoners of war, to the great detriment of the service, and entire prostration of all military discipline and obedience."

The evidence adduced in support of this charge, is the testimony of Colonel Larned and Lieutenant Reab. Colonel Larned says, he received an order* from the secretary of war, about the 20th of November, 1813, direct-

* This order was an usurpation of my legitimate authority, but usurpation had become the order of the day, with General Armstrong and President Madison.

ing him to order in American prisoners of war, on parole, and put them on garrison duty, at the cantonment at Greenbush. In pursuance of this order, the Colonel wrote to the officers in district No. 9, as fast as he could ascertain their places of residence, and among others to Lieutenant Reab, who came to the cantonment, and got permission to go to Troy for his baggage. That he also wrote to Lieutenant Carr, who wrote back, refusing to do duty. That Lieutenant Reab some time after brought an order from me, similar to the one set forth in the charge. That the order which I gave to Lieutenant Reab was published in the orderly book, at Greenbush. After which, Colonel Larned left it to the discretion of the paroled officers, to do duty or not. Colonel Larned further testified, that on the 18th of January, 1814, he wrote to me a letter, mentioning the order which he had received from the war department. On cross-examination, Colonel Larned said, he received an order from me, in August, 1813, directing him not to put officers on parole on duty. That he does not know, that the order of the secretary of war of November, 1813, was ever seen by me. Lieutenant Reab testified, that he signed a parole of honour, in Quebec, on the 19th of November, 1812, being then a prisoner of war. That on the 24th of November, 1813, while still a prisoner on parole, he received an order from Colonel Larned, requiring him to repair to Greenbush, and do garrison duty. That he went there and reported himself on the 28th, and got leave of absence for some days. That he called on me at Waterford, in January, 1814, and exhibited Colonel Larned's order to me. That I told him, I thought the order very improper. That I said I had received no order, from the secretary of war on the subject;—and issued the order set forth in the charge, which he immediately carried to Greenbush, and delivered it to Captain Melvin, who commanded there in the absence of Colonel Larned. The court will remember, that the secretary of war issued an order, on the 14th of February, 1814, which recites a proclamation of Governor Prevost, issued

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at Kingston in September, 1813, declaring what services paroled officers might perform, and alleging the practice of our government to justify it.

The secretary's order directs that our officers on parole shall perform the same duty. This order, issued nearly a month subsequent to mine at Waterford, is the only one on the subject, which I ever received from the war department. The honourable president of this court has testified, that on the 13th November, 1812, at Whitehall in the 9th military district, he entered into a convention with Sir George Prevost; by which it was stipulated, that *prisoners on parole*, of either party, should perform *no military service whatever;* and that a copy of the convention, he believes, was transmitted to the secretary of state. General Dearborn has further testified, that in the spring of 1813, General Armstrong then secretary of war, ordered certain paroled officers to perform particular military duties. Presuming the secretary of war was not aware of the agreement, General Dearborn informed him of it, and the order was shortly after countermanded. In issuing his proclamation, the British commander, was justified by the secretary's order.

Thus stands the evidence in relation to the fourth charge.

It does not appear, that Colonel Larned communicated to me, the order of the secretary of war to him, for putting paroled prisoners on duty. But if he had, my conduct would have been the same, and I should have stood justified to my profession, and by those land marks, which serve as guides to military men. It is a sound rule of service, that an order given to an inferior, is not obligatory on a superior; nor can a superior listen to an order, from an inferior, unless through the regular organ. Break down these distinctions, and we confound all ranks, orders, and authorities; every body would order and no body obey. I hold that the officer who suffers himself to be made the instrument, for abrogating a fundamental principle of service, is unworthy to wear a

sword, and should forfeit the confidence of the government. *The officer who obeys at the expense of ease, comfort, health, fortune and life is a soldier. He who obeys at the expense of his honour is a slave.* To prove that my opinion and practice on this point are not founded in caprice, I beg leave to refer the court to the letter written by me to the honourable James M'Henry, secretary of war in the year 1798.* In that letter, I wrote directly to the secretary, "*that on general professional principles, I had refused to read a paper from him, presented to me by a subordinate officer.*"

The case before the court presents an usurpatory, and tyrannical attempt of the secretary, in violation of his own specific engagement, entered into with me, before I took the command of the northern frontier; in his letter of the 9th of August, and in the fifth stipulation of that letter, he says, "all orders to subordinate officers, pass from the war department to the adjutant-general, to be communicated by him to the general, commanding the district in which such subordinate officer may serve." But while he was unwilling to be bound by principle and compact, this secretary has endeavoured to subserve military men, to his own interested, ambitious, and arbitrary purposes.

He charges me with disregard of his authority, in January, when, in fact, the order in question was issued in February.

Having thus, gentlemen, gone through the testimony, I shall proceed to sum up and conclude.

* It will be remembered that, that period was designated the reign of terror, but did the secretary of war presume to prostrate a hallowed principle, that he might tyrannize over me?—No! the virtuous independent patriot John Adams, had not learned how to make sacrifices of individual rights "*to the harmony of the cabinet.*" He did not countenance the outrage and usurpation of his ministers.

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Conclusion.

From the testimony before the court, and the documental proofs attached to this defence; I trust, the following conclusions may be fairly drawn:

That when ordered to the command on the Mississippi in 1812, the measures which I adopted there, and the preparations which ensued, contributed, essentially, to baffle the recent attempts of the enemy, and consummate the splendid success of our arms in that quarter.

That the occupancy of Mobile point had never before been attempted, either by the French, Spanish, or British governments, which were, successively, in possession of the Floridas; but, that the battery which I established there, with the guns and munitions of war I had previously taken from the Spaniards at Mobile, answered the end of its institution, and covered the feeble settlements on the bay, from the meditated depredations of the enemy.

That the work which I had erected at the Petite Coquille, to command the communication, with Lake Pontchartrain from without, diverted the enemy, from the attempt to pass that strait into the lake, and prevented his getting into the rear of our army; and induced him, to make his descent from Lake Borgne, below the city of New Orleans, at a point difficult of approach, adverse to his views, and most favourable to our own; because it placed him, in front of our whole force, and left our magazines open to our rear; and the resources of the upper country free of access.

That Fort St. Philip, at Placquemine, on the left bank of the Mississippi, which I garnished with heavy guns, and prepared for the occasion, before I left Louisiana, repulsed his vessels of war, and prevented the ascent of his fleet; which broke his force, and blasting his hopes of succour, after the desperate attempt of the 8th of January, compelled him to retire with disgrace.

That I was ordered from the chief command in the south, where I had sown the seed of an harvest, which

others were destined to reap, to report myself to Major-general Dearborn, at Sackett's Harbour, a distance of *eighteen hundred miles;* and that I cheerfully obeyed the command, at much peril and an enormous expense.

That when I arrived at the seat of government, I was ordered to the command, on the northern frontier, for the *execution* of a *project*, which I did *not approve*, and with *promises* from the *secretary of war*, of *men* and *means* which were *not furnished;* and under *stipulations*, which were not observed.

That on my arrival at Sackett's Harbour, where the equipments for the meditated expedition should have been in forwardness, I discovered no expedition had been even thought of; that the means at that late season, were to be provided, and that shape and consistency were to be given to the troops. That the important department of the quarter-master general, was in the hands of men, skilled in commercial speculations, but strangers to military combinations, and utterly ignorant of the attirail of an army, and the ordinary preparations indispensable to its operations.

That having done all in my power, at that post, to forward the measures necessary to the expedition, and to form and fit the troops for action, I departed for Niagara, to hasten the division from that point to Sackett's Harbour; and that to accelerate my journey, I took the shortest route, regardless of my health, and arrived at Fort George, on the 4th of September.

That at this place, as at Sackett's Harbour, I found a sickly camp, undisciplined troops, disorganized corps, a destitution of transport, and a defective quarter-master's department.

That having every thing to provide, delays were unavoidable; and that they were necessarily prolonged by opposite winds, and the equivocal relations of the adverse squadrons; it being clearly understood, at the seat of government, that until our superiority was established on the lake, no enterprise could be undertaken by water.*

* President Madison made this observation to me.

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That on the 25th of September, before this superiority was determined, I had called a council of war, and indicated to it my intention to attack Kingston; and to increase my force, I proposed to abandon Fort George and raze the works, which was prohibited by the secretary of war.

That whilst I was thus engaged, the secretary of war following my footsteps, entered the district of my command, and, without my privity, commenced a correspondence, with Major-general Hampton, commanding the right division of the army, placed under my immediate orders, and did take upon himself the command of the said Hampton; whereby the bonds of subordination and obedience were dissevered——the fundamental principles of discipline prostrated——my legitimate and essential authority annulled—and my responsibility for the issue of the campaign dissolved.

That after the engagement between the rival squadrons, on the 28th of September, Commodore Chauncey called on me, the 1st of October, and proffered his services, to escort the flotilla down the lake; but upon *my suggestion, pursued a different course,* whereby he *captured five transports of the enemy,* with two hundred men of De Watteville's regiment on board.

That having got the whole of the flotilla under way from Fort George, on the 2d of October, I sailed for Sackett's Harbour, and arrived there on the 4th, where I found the secretary of war, *accompanied by a long suite of respectable citizen soldiers,* and in the actual exercise of the command, which had been conferred on me, by the President of the United States; whereby my authority was degraded, and but for my seasonable arrival, the safety of the whole division would have been endangered.

That the said secretary of war, did take upon himself, at Sackett's Harbour, without my privity or approbation, to order the embarkation of the provisions, hospital stores, and medicines for the army; whereby the responsibility of the proper departments, was either confounded or de-

stroyed, and great losses and injury to the public service ensued.

That after the said secretary of war, had agreed with me, to make Kingston the first point of attack, and at a time when the troops at Sackett's Harbour, were detained there by stress of weather, he did actually transmit orders to Major-general Hampton, *on the 16th of October*, to proceed to the mouth of the "*Chateaugay river, or other point which shall better favour our junction, and hold the enemy in check;*" and on the very same day, ordered the said Hampton, by the agency of my quarter-master general, Swartwout, *to build huts for* 10,000 *men within the limits of Canada*; which orders were issued without my knowledge or privity, and under the circumstances of the moment were injudicious, inconsistent, and incompatible.

That at Sackett's Harbour, the secretary of war *entered into intrigues*, with the quarter-master general, Swartwout, to whom he *exposed my correspondence*, and having changed his mind, from the direct attack of Kingston to that of Montreal, he in his letters of the 19th and 20th October, did, by the suggestion of insuperable obstacles, by his information and opinions, and by reference to still higher authority* in support of his opinions, *drive me from my purpose to attack Kingston, and incline me*, to descend the St. Lawrence, *to the direct attack of Montreal.*

That, at Sackett's Harbour, the severe malady by which I was afflicted, disposed me to resign the command of the army, from which I was dissuaded by my surgeon; but that, notwithstanding my illness, I omitted no precaution in my power, for the safety and success of the expedition; and contrary to all example, embarked on scows, built by my especial direction, eighteen pounders on travelling carriages, fitted for action, *by which means our flotilla was twice saved from destruction*, viz. AT FRENCH CREEK, AND NEAR CHRYSTLER'S FIELD. That I had been positively assured of protec-

* That of the President.

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tion, by the secretary of war, and also by Commodore Chauncey as far as his power enabled him, *against the pursuit of the enemy by water from Kingston;* but nevertheless, *he did pursue me* the day after I left French Creek, and *came up with the rear of the army* under my command, near the narrows of the St. Lawrence, about twenty miles below Prescott.

That the troops of my command, were organized and formed into brigades and divisions; that competent and judicious orders were issued and arrangements made, for forming, marching, encamping and fighting the army, and that the necessary signals, were established to direct the embarking, sailing and landing of the troops.

That in passing the enemy's fort of Prescott, the necessary precautions were taken, to save unnecessary perils, and to effect the passage of the flotilla with as little damage as possible; and it appears that this operation was performed in great order, and with the loss of one man only.

That in consequence of the universal hostility of the inhabitants of Canada, and of the arrangements adopted by the enemy, to harass and impede the progress of the army, it became necessary to make detachments, to the left bank of the river, to protect my front against the ambuscades and batteries of the enemy.

That on the 10th of November, having approached the head of the Long Saut, Brigadier-general Brown was detached, to drive the enemy from a position at a block house, on the bank of the river, and Colonel Bissell ordered to dislodge a party from an island in the Long Saut.

That the enemy fired on my rear that day, and that to lighten the batteaux, and save the army from insult, Brigadier-general Boyd was ordered to land with a select detachment, and that the flotilla waited to give time for Colonel Bissell's movement, and to hear the result of an action, General Brown had with the enemy in our front about noon.

That on the morning of the 11th, before advice had been received from Brigadier-general Brown, but after I had ordered the flotilla to prepare to sail, Captain Mulcaster of the British navy, with a heavy galley, mounting a long twenty-four pounder, and several gun boats, fell down the St. Lawrence, and opened his battery on our flotilla, but was repulsed by one of our eighteen pounders. That the enemy manœuvered on our rear, about the same time, in such manner as to indicate a determination to attack us, the moment the flotilla should separate from the marching column.

That under such circumstances, it became necessary to free our rear by checking the enemy; and that this was effectually produced on that day, at Chrystler's field, after which the army experienced no interruption by land or water.

That in the affair of the 11th of November, no blame can possibly attach to me, as the order of the 10th gave Brigadier-general Boyd unrestrained discretion, which he exercised in fighting the enemy, retiring from the field, and ordering the troops to the flotilla. That no application was made to me, during the action, for a reinforcement; but, that judging from the report of the small arms, as I lay on my pallet, I directed 600 men, under Lieutenant-colonel Upham and Major Malcolm, to reinforce Brigadier-general Boyd, and ordered every man capable of bearing arms, who could be spared from the boats, to sustain the troops engaged.

That Brigadier-general Brown had been attacked on the 10th, about 12 or 1 o'clock, by a corps of 1,500 militia, under a Colonel Dennis of the British service, 12 or 14 miles from Chrystler's field; that he repulsed the enemy, and that night pursued his march to *Mille Roches*, four miles further.

That the strength, resources, and dispositions of the enemy, were grossly misrepresented by the secretary of war, in his letters to me of the 8th of August and 27th of October, 1813, and in other letters, whereby I was deceived, and unexpected embarrassments were pro-

CHAP. XV.

duced; and that by the conduct of the secretary and Major-general Hampton, and the ultimate defection of the latter (emphatically described by the secretary of war himself, in his communication to Major Lee, the 13th December, at the city of New York), the expedition against Montreal was abandoned.

That the secretary of war, after the campaign had closed, and I was worn down by disease and confined to my bed by an afflicting malady, notwithstanding my application for a change of position, on the statement of my physician, that such change was necessary to the preservation of my life, continued me amidst the frost and snows of Canada, in the exercise of the most critical command, within the national limits, long after he had condemned me to Colonel King for the failure of the expedition, and had justified the conduct of General Hampton. That during this period of pain, suffering, and anxiety, the secretary usurped the command, from which he would not relieve me, and at the distance of 600 miles, interposed his orders to my subordinate officers, without my privity or consent, thereby, with obvious intention, to degrade me in the eyes of the troops, and to favour his sinister designs against me.

That after I had, by my vigilance and arrangements, protected an exposed flank of sixty-four miles, against loss and insult, during an intemperate winter, I was recalled from my command, on the ostensible ground, that it was to indulge my request for a court of enquiry, made provisionally five months before, which had not been noticed by the secretary of war, and which I had absolutely forgotten.

That in *packing* a court of enquiry, he selected two of my *avowed enemies*,* Colonels King and Hamilton, whom he *had recently promoted;* the first to be a member and the other recorder of the court; young men! who had not long before served under me, as subalterns, and

* I had mentioned to General Armstrong the hostility of these officers long before.

were unborn when I wore a sword in the service of my country—at a time, when there were five or six general officers,* within half the distance from the place where the court was ordered to convene, and the greater part of them unemployed.

That the secretary of war, afterwards, at my request, changed the court of enquiry into a general court martial, and appointed five members for my trial, including Colonel King as a member, and Lieutenant-colonel Hamilton as judge advocate; but before this court could be formed, his *dread* of the *investigation*, induced him on the 28th of May, 1814, under a *false pretext*,† and at the *expense of his veracity*, to adjourn the said court and to suspend its proceedings indefinitely.

That the said secretary of war, having thus bereft me of my command, and cut me off from the hopes of a prompt trial and speedy justice, did attempt to exile me, from my domicile and family; my residence being in the city of Washington, at that time.

* Major-general Dearborn and Brigadier-general Boyd, at Boston; Brigadiers-general Cushing and Burbeck, at Newport and New London; Brigadier-general Porter, at New York; Brigadiers-general Macomb, Smith, and Bissell, at Plattsburgh.

† *Extract of a letter from the Secretary of War to General Wilkinson, dated April 28th,* 1814.

Sir,

Your letter of the 8th instant, *shewing the enemy to be already in motion on Lake Champlain,* and letters from General Gaines, stating an equal degree of preparation and activity on their part on Lake Ontario, make it *imprudent* to go on, as was intended, with an investigation into your military conduct at present. You will *choose* between *Philadelphia, Baltimore* and *Annapolis,* as a *place of residence, report* your *arrival,* and *wait further orders.*

Extract of a letter from General Wilkinson to the Secretary of War, dated, Head of Lake George, May 6th, 1814.

Sir,

Pardon me for observing, that in my letter of the 8th, I apprised you, "*that from information received, the enemy's squadron was ready to sail,*" not that he was "*in motion on Lake Champlain,*" because the ice at the foot of the lake had not at that time given way.

CHAP. XV.

The artifices of my accuser prevailed. He deprived me of my sword in the dawn of the campaign; threw me out of the path of glory, and the injury is irreparable.

The troops, formed and disciplined in hardships, and sufferings and perils, under my orders, when fitted for action and prepared to meet the enemy, were destined to gather laurels, to decorate the brows of more fortunate men.

But amidst the ills inflicted upon me by this tyrant, the hand of heaven was outstretched in my behalf, and the disgraceful flight of *this destroyer of the capital of his country*, placed the office he had abused in honourable hands, and secured to me an impartial tribunal to judge my conduct; *a tribunal! the first in point of rank and experience, one only excepted, which ever assembled in the United States.*

But, Mr. President, I possess other sources of consolation, which no earthly power can take away from me. *I have borne arms and faithfully served my country through three wars*—nay, more—*I have saved her from civil war.*—How many toilsome days have I laboured, for the honour of my country! How many sleepless nights, have I watched over her safety! *Thirty-nine years past, I marched a company over the very ground, on which I now stand arraigned, then waste, wild, and uncultivated; now the scene of industry, of wealth and talents; the seat of social refinement, of personal charms, and polished society.* In October next, it will be thirty-eight years, since I led the captive Burgoyne, from his entrenchments, to surrender an army of six thousand veteran troops, of Europe, on the plains of Saratoga, under a convention countersigned by the hand, which now presents it, to this honourable court, with the prayer, that it may be permitted to accompany the records of this day, and find a place in the archives of the war department.*

Mr. President! may the war-worn veteran, with a ruined constitution, the fruits of the services of his whole life, and struggling under the obloquy heaped on him by his

* See Copy of the Convention in Vol. I.

accuser, be permitted to produce a more recent instance of his zeal, in the public service; to shew that if he has not been triumphant, that if he has been deprived of the opportunity, to swell his humble fame in torrents of blood, his time has not been uselessly employed to the state.

The testimonials of those meritorious, gallant officers, Commodore Macdonough and Major-general Macomb,* seconded by the credentials of a respectable eye witness, a citizen of this state, will prove beyond doubt, that my agency contributed, essentially, to our naval triumph on Lake Champlain, and the preservation of our garrison at Plattsburgh.

From these documents it will appear, that but for my precaution in establishing a battery at the mouth of Otter Creek, the early movement of the enemy, made against that point, in May last, would have blocked up our squadron for the season; the shores of the lake would have been exposed to his ravages, and Plattsburgh must have yielded to his superior force.

Mr. President and gentlemen; whatever may be my future destiny, a destiny at this moment wrapt in clouds, I shall bear in grateful recollection, the patience with which you have waded through this tedious enquiry; I confide in the justice of your award, because I am satisfied, it will be founded in integrity;—whatever it may be, I am prepared to meet it with complacency, and were it proper for me to express a wish, on the awful occasion, which interests my feelings NEARER than life itself, I should say, IF GUILTY, LET MY PUNISHMENT BE EXEMPLARY—IF INNOCENT, ACQUIT ME WITH HONOUR. IN THE LAST EVENT I SHALL NOT HAVE LIVED IN VAIN.

(Signed) JAMES WILKINSON,

Major-general.

* See Appendix, No. LXX.

CHAP. XV.

Troy, March 21st, 1815.

THE COURT convened pursuant to previous adjournment, and after maturely, and deliberately, weighing, the facts adduced in evidence, DECIDED,

That no censure, attaches to the accused, from all or any of the specifications, embraced under CHARGE 1st.

THE COURT doth, thereupon, PRONOUNCE MAJOR-GENERAL JAMES WILKINSON, NOT GUILTY, "OF NEGLECT OF DUTY AND UNOFFICER-LIKE CONDUCT."

That the first, and second specifications, of Charge 2d, ARE UNSUPPORTED BY EVIDENCE, and THE COURT, accordingly, finds, MAJOR-GENERAL JAMES WILKINSON NOT GUILTY of the 2d Charge of "DRUNKENNESS ON DUTY."

All and each of the specifications, embraced under CHARGES 3d AND 4th, being next deliberated on in succession, THE COURT DECIDED, THAT NO BLAME ATTACHES TO THE ACCUSED, FROM ALL OR ANY OF THEM, AND ACCORDINGLY, PRONOUNCES MAJOR-GENERAL JAMES WILKINSON NOT GUILTY, "of CONDUCT UNBECOMING AN OFFICER AND A GENTLEMEN," or "OF COUNTENANCING AND ENCOURAGING DISOBEDIENCE OF ORDERS."

It is, therefore, ADJUDGED AND DETERMINED THAT MAJOR-GENERAL JAMES WILKINSON, OF THE UNITED STATES ARMY, BE AND HE IS HEREBY HONOURABLY ACQUITTED OF ALL AND EVERY OF THE CHARGES AND SPECIFICATIONS AGAINST HIM EXHIBITED.

H. DEARBORN, *Maj. Gen.*
President.

E. A. BANCKER, *Judge Advocate.*

THE SENTENCE OF THE COURT IS APPROVED.

JAMES MADISON.

April 18, 1815.

THE END.

APPENDIX.

No. I.

MINUTES OF A COUNCIL OF WAR, HELD AT SACKETT'S HARBOUR, AUGUST 26, 1813.

Present—Major-general Wilkinson, Major-general Lewis, Commodore Chauncey, Brigadier-general Brown, Brigadier-general Swartwout, *Q. M. Gen.*

Major-general Wilkinson states to the council the views of the government, and the relative situation of affairs.

The conquest of the province of Upper Canada comprises the instructions of the executive of the United States, for the service of this army the impending campaign, and the reduction of Kingston, by a direct attack or indirect movement, embraces the primary objects of these instructions.

From the best information possessed, the main force of the enemy in Upper Canada opposed to this command, is divided between the head of Lake Ontario, Kingston and Prescott; say at the first place 2000 regular troops, besides militia and auxiliary savages; at Kingston 3650 regulars and 1500 militia, together with the naval force when in port, estimated at 1000 or 1200 men; and at Prescott 850 men, making a total of at least 9000 combatants. But this force is so far divided, that not more than 4000 men can be brought to act seasonably and with effect at any given point, unless we should attack Kingston, in which case, by the addition of seamen and marines, the number may be increased to 6000, for the defence of the various, the extensive, and widely detached works of that depot.

The whole present effective force of the army of this district may be estimated at 7400 combatants, exclusive of the naval department. But this force may, it is expected, by the recovery of the sick, and the junction of recruits, be augmented to 9000 combatants, exclusive of militia, on whom no solid reliance can be placed, by the 20th of next month. Our army at present occupies the following places, viz.: at Fort George and Niagara 3500, at Oswego 100, at this place 2000, and at Burlington on Lake Champlain 4000. This distraction of our force weakens our hands, and puts it out of our power to make any decisive stroke to break the strength and impair the vigour of the enemy; indeed the division on Champlain is too remote to afford us prompt succour in this quarter, should it become necessary; but it may operate as a powerful division on the side of Montreal, where it is believed the enemy rests his chief defence on his organized militia. The season is wasting rapidly, and the honour and interests of the nation imperiously demand that a deadly blow should be struck somewhere.

In the mean time the enemy continues to reinforce his posts in this quarter, and to strengthen his position in the neighbourhood of Fort George, where the commander in chief is now acting in person.

As the success of every operation will depend on the conjunct exertions of the army and navy, it is enjoined by the executive, that a cordial co-operation and a perfect good understanding should be maintained between the commanders of those departments respectively.

Having submitted this statement of facts to the consideration of the council, Major-general Wilkinson requests their sentiments on the following points, viz.:

1st.—To await, in our present positions, a combat between the rival squadrons for the supremacy on the lake.

2d.—To assemble a sufficient force at Fort George to cut up the enemy in that quarter; then to descend to this place, call the division from Champlain, incorporate the whole, and make a direct attack on Kingston.

3d.—To concentrate all the troops on the lake in this vicinity, order the division on Champlain to feint upon Montreal; or to carry a real attack against it, should circumstances warrant, and then with the troops assembled here, to reduce Kingston and proceed against Montreal, should the season permit; or

4th.—To rendezvous the whole of the troops on the lake in this vicinity, and in co-operation with our squadron, to make a bold feint upon Kingston, slip down the St. Lawrence, lock up the enemy in our rear to starve or surrender, or oblige him to follow us without artillery, baggage or provisions, or eventually to lay down his arms, to sweep the St. Lawrence of armed craft, and in concert with the division under Major-general Hampton, to take Montreal.

Upon the various propositions submitted by the commander in chief to the council, consisting of the general officers of the division and Commodore Chauncey of the navy, they are of opinion, that

1st.—It is not necessary to await the result of a conflict between the hostile squadrons, as the operations of the army, in the event of the adoption of either of these propositions, will not depend upon a co-operation with the fleet, further than to secure the passage of the troops into the St. Lawrence.

2d.—The second proposition is rejected, because the object appears to be a partial one, as far as relates to the proposed operations against the division in the vicinity of Fort George. The loss of time also would probably render it too late to carry an attack against Kingston this campaign.

3d.—This proposition is also considered a partial operation, and one for which the force on this lake might possibly prove inadequate.

4th.—The fourth and last meets the approbation of the council. The object appears feasible, and if accomplished the upper country must fall of course; for it is incapable of subsisting the enemy's force for any length of time, and the possession of Montreal will certainly destroy the line of communication between the upper and lower provinces. The feint on Kingston is reserved for future consideration.

MORGAN LEWIS,
ISAAC CHAUNCEY,
ROBERT SWARTWOUT,
JACOB BROWN.

APPENDIX.

No. II.

GENERAL ORDERS.

Head Quarters, Military District, No. 9, Sackett's Harbour, August 23d, 1813.

The President having been pleased to appoint Major-general Wilkinson to the command of the troops of this district: in entering on the dread responsibility attached to the trust, he considers it a matter of propriety towards himself, and of respect to the army, to submit the following avowals and reflections for the information of all ranks.

The General undertakes the arduous and important task assigned him, with a bosom dead to personal sympathies and antipathies; and alive only to the cause of his country, which he trusts will employ and animate, to the exclusion of all minor interests, every gentleman he has the honour to command. He therefore calls on all ranks, and he does it with confidence, to co-operate with him cordially, for the introduction and maintenance of an uniform system of subordination, discipline and police; without which, neither zeal, nor numbers, nor courage can avail any thing. To give effect to military institutions, responsibility and power must be clearly defined and inseparably attached, from the lowest to the highest grades. The sergeant for his squad, the subaltern for his section, the captain for his company, the major for his battalion, the colonel for his regiment, the brigadier for his brigade, and the major-general for his division; each in their respective spheres exercising their proper functions without collision; preserve this chain of dependence and authority, and the complete machine harmonizes in all its parts; break one link, you disorder the goodly fabric, and confusion and anarchy must ensue. As soon, therefore, as the army is regularly brigaded, the commander can receive no application of a professional nature, but through the medium of his general officers (except in cases of personal grievance), because it is to them he must look for the appearance, conduct and efficiency of their respective corps; and conformably to this principle, general officers will correspond with the colonels, or commanding officers of regiments and corps only; they with their captains; and the same relation descends through the subalterns to the non-commissioned officers, the very root of all order and discipline.

The General's orders will be few, and these as concise as possible. He will require from no one (relative rank and functions considered) that which he will not himself be ready to perform. It will be his pride to participate toil, hazard, peril and glory with those he commands: but his orders and arrangements must be implicitly obeyed, and promptly executed. He will cherish harmony, union, and a manly paternal spirit, as the precursors of triumph and fame; but should intrigue and faction, those demons of discord, ever shew their heads within the limits of his command, it will be his duty to strangle them in the birth.

No correspondence is to be obtruded upon the secretary of war, but in cases of personal grievance; and then through the office of the adjutant-general; and all gentlemen in commission are requested to forbear writing on military topics, past or perspective, before the close of the campaign; because the discordant opinions which are sent forth respecting motives and measures, the merits of

which can be understood by those only who govern and direct, distract the public mind, shake public confidence, and degrade the military character.

The rights of a soldier are few, and these should be sedulously guarded. The officer who would usurp or abandon an iota of them, is a traitor to his profession, and unworthy the community of honourable men; yet we must be careful not to confound republican freedom with military subordination; things as irreconcileable as opposite elements—the one being founded in equality, and the other resting on obedience.

The commanding general, during his halt, will give the word, and occasionally issue orders of a general import; but Major-general Lewis will continue his command of the post, and will be pleased to furnish the following returns and reports as speedily as possible, viz.

1st.—The state of the division, in relation to men, arms, clothing and accoutrements, by corps, companies and detachments; to distinguish accurately the duty men, the strongly convalescent, and those deemed too feeble for the duties of the campaign.

2d.—Ordnance, military stores, and ammunition, fixed and unfixed; to distinguish the horse artillery and their equipments, and the pieces on travelling carriages; small arms and accoutrements, to distinguish good from bad.

3d.—Quarter-master's stores, tools and implements, to include forage.

4th.—Medicine and hospital stores, instruments and furniture.

5th.—Transport by land and water, to include equipments, and exhibit the fitness for immediate service.

6th.—Clothing and equipments for man and horse.

7th.—Camp equipage,—and

8th.—Provisions and contractor's stores, with their means of transport.

It must be a standing order, that whenever a deserter presents himself, he is to be immediately conducted to the commanding officer of the post or place, without being questioned. The same rule is to prevail in respect to strangers or suspected characters, found lurking about the army, or any detachment of it.

JA. WILKINSON.

Sir.—Be pleased, in your orders to-day, to direct a detachment of 800 men, properly officered and completely ammunitioned, with clothing, camp equipage, &c. and twenty day's provisions, to be ready on the 25th for distant command to the southward. The quarter-master general to furnish transport and pilots. The commanding officers to call on me for orders.

Yours respectfully,

JA. WILKINSON.

Major-general Lewis.

Be so good as to send your adjutant to me for orders. J. W.

Head Quarters, Sackett's Harbour, Military District, No. 9, August 24th, 1813.

The appearance of the troops on Sunday afforded the commanding general sensible pleasure, yet much remains to be done to form them for general action,

and that in a very short period. The General therefore calls for the redoubled industry and exertions of all ranks throughout the several divisions of the army under his command, which is destined to meet the enemy before the close of the campaign.

A soldier cannot learn too much, for the love of his profession increases with his knowledge of duty, until attention to arms and dress become habitual, and toil is converted into pleasure. But the stage of the campaign does not give time for decorations, and therefore the General relies, that both officers and men will devote every hour from rest to the acquisition of essentials.

The troops must be instructed in the expert use of their arms, and an uniformity of pace in every movement; to form the column, and to display it with celerity and correctness; to change front to the right and left by battalions or brigades with promptitude and good order, and to preserve the line in the front march, will, under God, enable this army to beat the enemy, when, and wherever they may be met. Let all ranks study incessantly how to preserve composure and self-possession in scenes of the greatest peril, for nothing can be well done, when the senses are flurried; and in battle, hurry is the parent of confusion and disaster. A soldier must yield strict obedience to the general principle of concert in action; but he should be taught to reflect, that his own safety and the cause in which he fights, will be best defended by calmness and resolution in the execution of his duty. Could danger be personified, it would be frequently seen shrinking from courage, and seeking the staggering blind indecision of cowardice.

JA. WILKINSON.

Head Quarters, Sackett's Harbour, District No. 9,
August 26th, 1813.

Whenever the public service shall require any division or detachment of the army to take post near the enemy, it will be the primary duty of the commander to guard his position by a strong chain of sentinels, which no person, civil or military, shall pass, except at the guards. All strangers and suspicious persons found lurking about a position or encampment, are to be stopped and conducted to the proper officers for examination. These precautions are enjoined by long established usage, and are absolutely necessary, not only to the discipline and police of the troops, but to their safety and the interests of the state. They must therefore be strictly respected by all persons.

JA. WILKINSON.

Head Quarters, Sackett's Harbour, August 29th, 1813.

In all encampments where the guards are once stationed, it becomes the duty of officers on post, and also of the officers of the day, to instruct the sentries individually how to conduct themselves on post; this being a most essential duty, it must not be neglected: a sentry on post, is a sovereign in his sphere, and should be taught how to estimate the importance of his station, since the safety of the army and of his country is confided to him.

Major-general Lewis has leave of absence for a few days, and will be succeeded in the command by Brigadier-general Brown.

JA. WILKINSON.

No. III.

ORDER OF 9th OCTOBER.

Head Quarters, Sackett's Harbour, October 9th, 1813.

The army is formed into four brigades, and a reserve. The first composed of the 5th, 13th, and 12th regiments, under Brigadier-general Boyd; the second of the 6th, 22d, and 15th regiments, under Brigadier-general Brown; the third of the 9th, 25th, and 16th regiments, under Brigadier-general Covington; and the fourth of the 11th, 21st, and 14th regiments, under Brigadier-general Swartwout. The reserve, under Colonel Macomb, is composed of his own regiment, and the detachments ordered to join him. This corps, the dragoons, and rifle corps, will be disposed of as circumstances may render necessary, under the especial orders of the General. The artillery has been distributed, and will be posted by Brigadier-general Porter. In the formation of the brigades, all the regiments have not their proper stations, but gentlemen must excuse the irregularity, as it was unavoidable, from the disparity in the strength of corps. Major Herkimer, with his volunteers, will join Colonel Macomb, and receive his orders.

By order of Major-general Wilkinson.

J. B. WALBACH, *Adjutant-general.*

No. IV.

GENERAL ORDERS PRODUCED BY GENERAL LEWIS.

On board the Lady of the Lake, off Grenadier Island, October 23d, 1813.

The contractor is immediately to report the quantity and condition of provision on hand; the quarter-master general, the quantity and condition of the articles in his department; and all alterations in those departments are to be reported daily. These reports are to be sealed and transmitted to the General, or to such officer as he may hereafter think proper to direct, and no communication is to be made to any other person. The attention of every gentleman in commission, from the highest to the lowest ranks, must be assiduously and incessantly given to the health of the men, the state of the army, ammunition and accoutrements, and the preservation and repair of the boats and their equipments, which ought to be held in constant fitness for the embarkation of the troops. The boats are to be arranged by regiments, in order of battle, and the commanding officers will be held strictly responsible for their safety and good condition; they are of course authorised to establish distinct boat guards.

This army is destined within a very few days, that is, the moment the stragglers and lost corps can be collected and organized, to seek the enemy in a situation and under circumstances which admit of no idea of retreat; the General therefore flatters himself, the industry, attention, and exertions of every officer he commands will be correspondent; in their zeal and valour he has every

confidence, and, under Heaven, he will give them such a direction, as will ensure their triumph, if they execute his orders with promptitude and decision.

The provisions must be embarked and secured in the best possible manner: the same attention is to be paid to the quarter-master's stores, tools and implements; also to those of the ordnance and hospital departments.

Major-general Lewis will be pleased to have the immediate charge of the encampment until the commander in chief can land, and will see that the preceding orders are carried into immediate execution. He will be pleased to reduce the guards and police to the lowest number, which may consist with the good of the service in all its branches; and if the contractors and quarter-masters have been so negligent of their duty, as not to have representatives on the ground, he will immediately employ and appoint suitable persons to supply the defect, at the expense of the heads of those departments.

By order.

J. B. WALBACH, *Adjutant-general.*

Sir.—I send you the report of Lieutenant Woolsey. Commodore Chauncey parted with me at 10 o'clock last night: he is off the Ducks. Can any means be adopted to relieve Lieutenant Scott and his party, and to bring off the provisions and camp equipage he left on Grand Island? Let us save what we can, without hazarding more than we attempt to save. The depending movement demands every exertion of all, and no effort should be left unemployed to get up those behind us. Preserve and return this letter, as I keep no copy.

Yours truly,

JA. WILKINSON.

Lady of the Lake, off Grenadier Island, Oct. 23d, 1813.

Major-general Lewis.

(ENCLOSURE.)

U. S. Schooner Sylph, off Grenadier Island, Oct. 22d, 1813.

Sir.—I have the honour to acknowledge the receipt of your note by Captain Crane. In answer to it, can only observe, that I am entirely ignorant of the cause of the firing at Kingston this morning. It is possible the Commodore has gone in; but I hardly think he would leave the Sylph with her heavy guns behind. I parted from the fleet last evening, to take Lieutenant Scott and 40 men of the 2d regiment off Long Island, where they had been cast away. I landed them this morning at Cape Vincent. Sixty barrels of provisions and their camp equipage are left on the island.

With much respect, your obedient servant,

MEL. F. WOOLSEY.

Major-general Wilkinson

On board the Lady of the Lake, off Grenadier Island, 24th Oct. 1813.

Sir.—Having forbidden all suttlers to follow the army, except by express permission from head quarters, it is with some surprise I have just now discover-

ed sergeant Daniel Bailey of the 11th infantry, with a military party, in this tempestuous weather, conveying the goods of some person of this character to the camp of your command. I am certain this is without your knowledge, and have to request that you will be so good as to have the goods seized, and held in safe custody.

With consideration and esteem, &c.

JA. WILKINSON.

Major-general Lewis.

N. B. My health unfortunately continues so bad, that I cannot leave the vessel in this weather.

No. V.

ARREST OF MAJOR-GENERAL HAMPTON.

Head Quarters, Military District No. 9.

It is with deep regret, from considerations personal as well as public, that I find myself compelled to bring you before a general court martial; but there are considerations, personal, public and professional, which impose this measure on me as a solemn and indispensable duty. You are therefore to consider yourself in arrest, on the following charge and specification.

CHARGE.—Disobedience of orders.

Specification.—In declining to join the corps under my immediate direction, with the division under your command, agreeably to my order, under date of the 6th inst., transmitted to you by Colonel King, whereby I was compelled from prudential considerations and by my orders to abandon the enterprise destined against Montreal.

The general court martial for your trial will meet at Plattsburgh, as soon as the members can be assembled. In the mean time, the limits of your arrest are confined to one mile from your present quarters, or those you may find most convenient in the town of Plattsburgh. You will be pleased to deliver to your successor in command all public documents in your possession, which may interest the service.

With due consideration and respect, I have the honour to be,

Sir, your obedient servant,

JA. WILKINSON.

P. S. Should this find you elsewhere than at Plattsburgh, you are to return to that place forthwith and abide your trial, under the penalty of a breach of arrest; and should you have left the district of my command, it will make an additional charge against you.

J. W.

Major-general Hampton.

No. VI.

Extracts from Returns of the Troops at Sackett's Harbour, Fort Niagara, Fort George, and Burlington.

		Present.				Absent.			
		For duty.		*Sick.*					
Station.	Corps.	Total.	Aggregate.	Total.	Aggregate.	Total.	Aggregate.	Total present and absent.	Aggregate pres. & abs.
Sac. Harbour,	light art'y.	99	103	23	23	28	28	150	154
	dragoons	235	249	138	143	46	50	419	442
	artillery	344	360	118	119	95	96	557	573
	infantry	1432	1485	545	555	46	52	2023	2092
	volunteers	203	228	111	117	57	62	371	407
Total at Sac. Harbour		2313	2425	935	957	272	288	3520	3668
Fort George,	light art'y.	302	305	52	55	118	121	472	481
	dragoons	200	211	17	17	13	13	230	241
	artillery	162	171	70	72	33	34	265	277
	infantry	3032	3148	862	919	1486	1569	5371	5636
Total at Fort George		3696	3835	1001	1063	1650	1737	6338	6635
Burlington,	dragoons	118	122	18	18			136	140
	artillery	74	76	13	14	1	1	88	90
	infantry	2354	2441	360	367	195	209	2909	3017
	volunteers	501	530	156	159	104	117	761	806
Total at Burlington		3047	3169	547	558	300	327	3894	4053

Adjutant & Inspector-general's Office,
Washington City, August 2d, 1813.

A. Y. NICOLL, *Insp. Gen.*

No. VII.

Abstract from the Report of the Adjutant-general of General Wilkinson's army, shewing the whole number of non-commissioned officers, musicians and artificers of the several regiments and corps, on December 1, 1813.

Light Artillery	-	472
2d Regiment Artillery	-	117
3d Do.	-	675
5th Do. Infantry	-	495
6th Do. do.	-	549
	Carried over	2308

		Brought forward	2308
11th	Regiment	Infantry	454
12th	Do.	do.	500
13th	Do.	do.	591
14th	Do.	do.	295
15th	Do.	do.	848
20th	Do.	do.	336
21st	Do.	do.	841
22d	Do.	do.	455
25th	Do.	do.	578
Riflemen			263
			8,143

Adjutant & Inspector General's Office, Jan. 27, 1814.

A. Y. NICOLL, *Insp. Gen.*

NOTE.—The two regiments of light dragoons, which had made part of General Wilkinson's force in descending the St. Lawrence, are not included in this Return, these corps having been detached to Utica.

No. VIII.

ORDER FROM GENERAL SWARTWOUT, *Q. M. Gen.* TO CAPTAIN BALDWIN, *As. Dep. Q. M. Gen.*

"*Sackett's Harbour, Oct.* 20, 1813.

"Sir.—In order to provide against contingencies, you will immediately despatch an active intelligent assistant of your department to Major-general Hampton at the Chateaugay Four Corners, who will receive and execute his orders for hutting an army of 10,000 men, in such a place as will ensure a certainty of supplies, future and present; operate with facility against an enemy; the cantonment to be exclusively under the government of military law; this last will of course render it necessary to be within the limits of Canada.

"The militia can cut and put up the logs; one window for every room 20 feet square; orders for glass, nails and hinges may be made upon the quarter-master's department at Albany."

The above is an extract of an order from the war department to me directed. You will proceed forthwith to Major-general Hampton's head quarters, report to him and receive and execute his orders.

Yours, &c.

ROBERT SWARTWOUT.

Capt. Th. P. Baldwin, As. Dep. Q. M. Gen.

N. B. This is a copy from recollection, General Hampton has the original.

No. IX.

LETTER FROM DOCTOR ROSS TO THE INSPECTOR GENERAL.

Sir.—It is with extreme solicitude for our sick and wounded, that I conceive my duty impels me to state their situation, in the hope you will become instrumental in ameliorating their condition. The most sedulous attention of our surgeons will prove unavailing, unless assisted by proper resources. By a continuation of unforeseen occurrences, and fortuitous circumstances during our expedition, we have lost a large proportion of our hospital stores; a list of those which have arrived and remain, with such as have been issued, accompany this report.

Two houses (since leaving the block house on Mount Covington) have been appropriated for general hospitals. They do not admit of room sufficient for the requisite number of bunks, and from our not being able yet to procure bed sacks, or a sufficient number of bunks, the patients are obliged in most instances to lay upon straw on the floor. Such is the increasing inclemency and severity of a northern climate, that the regimental hospital tents are an inadequate protection, and many will doubtless perish, unless speedily removed to comfortable buildings. The blankets just received are of an inferior quality, and of so small a size, that it will require three or four to make each patient comfortable; and the number also herewith enclosed, does not amount to the requisition made preparatory to the expedition, and for which a receipt was given.

The shirts, for which receipts had also been given at Sackett's Harbour, have not been received. A suitable change of garments, is absolutely necessary for cleanliness and health. Many of our wounded have lost their knapsacks and clothing; hence their deprivation renders them susceptible of impurities and diseases, which delicacy omits to name.

Of the remains of our hospital stores not yet expended, the chocolate, marked "Smith's fine chocolate, first quality," is of so inferior a quality, either as an article of diet or medicine, as to be unfit for use. The port wine is far from being genuine, perhaps not more than one gallon may be contained in ten of the commixture, and so unfriendly has it been experienced in those diseases in which it is frequently prescribed, that on that account it is often omitted, when good port wine would have been very desirable in the prevailing diseases of the army. Our barley and rice, brandy and rum, have been lost, or have not arrived; the want of which, especially the two former, as articles of diet for the sick, are grievously felt: for several days, the sick have had no bread, and in consequence of the above deprivation, the oatmeal, intended for poultices, was substituted for it.

From the pressure of concurrent circumstances, the rations are not commuted; hence vegetables, &c. are occasionally purchased for the sick, by orders granted for that purpose.

The flour with which we have been supplied since our arrival here, on inspection, is found to contain not only foreign admixture of meal, but to be so sour and damaged, as to prove unhealthy; and from the report of surgeon, has accelerated the death of several in his regiment, already ex austed by disease. In addition to the above statement, it may be proper to subjoin the fol-

lowing communication received from Colonel Brearly of the 15th regiment of infantry.

Camp French Mills, Dec. 8th, 1813.

Sir.—It becomes my duty, through you, to solicit the interference of the commanding general, with respect to the flour now issued to my men, which is musty and sour, and such as I fear, if made use of, will be productive of fatal effects; in consequence of which my men are obliged to remain without a supply.

I have the honour to to be, &c.

D. BREARLY, *Colonel 15th Regt.*

Doctor Ross, Hospital Surgeon.

To the above communication might be added the observation of many officers whose united testimony would form strong and cogent evidence not only of the sufferings of the sick, but of the army in general, as relates to the supply of innutritious and unwholesome flour.

I have the honour to be, &c.

WM. M. ROSS, *Hosp. Surg. U. S. Army, and Superintendant of Hosp. Dept.*

Hosp. Dept. Camp French Mills, Dec. 8th, 1813.

To the Inspector General of the 9th Military District.

No. X.

MINUTES OF A COUNCIL OF WAR, HELD AT CHAMPLAIN THE 29th OF MARCH, 1814.

PRESENT—Brigadier-general Macomb, Brigadier-general Bissell, Brigadier-general Smith, Colonel Smith, Colonel Atkinson, Colonel Miller, Colonel Cummings, Major Pitts, Major Totten.

Major-general Wilkinson states to the council, that from the best information he can collect, the enemy have assembled at the Isle aux Noix and La Cole Mill 2500 men, composed of about 2000 regular troops and 500 militia,—of whom, after leaving a garrison of 200 men at Isle aux Noix, 1800 regulars and 500 militia may be brought into action. The corps of the United States, now at this place, consists of 3999 combatants, including 100 cavalry and 304 artillerists, with 11 pieces of artillery. The objects of the enemy are unknown, and the two corps are separated nine miles. Under these circumstances the Major-general submits the following questions for the consideration and opinion of the council.

1st.—Shall we attack the enemy? and in such case do the council approve the order of march and of battle hereunto annexed, with the general order of the day?

2d.—When and by what route shall the attack be made, on the plan of the intermediate country hereunto annexed?

3d.—Shall a single attack be made with our force combined; or shall two

attacks be made; or shall we feint on the right by the shore of the Sorrel, or to the left by Odell's Mill, to favour the main attack?

The General will be happy to adopt any advantageous change which may be proposed by the council, or to be governed by their opinions.

The council is of opinion, that the light troops should cover a reconnoissance towards La Cole Mill; and if it is found practicable, the position should be attacked, and the enemy's works destroyed; that the whole army move to support the light troops; that the order of battle is approved, and the manner and mode of attack must be left entirely with the commanding general.

ALEX. MACOMB.
TH. A. SMITH.
D. BISSELL.
R. PURDY.
JAMES MILLER.
TH. PITTS.
H. ATKINSON.
JOSEPH G. TOTTEN.

Under existing circumstances, my opinion is, that we go as far as La Cole Mill, designated in the map, to meet the enemy there, and destroy their block house, and the mill in which they are quartered.

M. SMITH, *Colonel 29th Inf.*

No. XI.

GENERAL ORDER OF THE 29th MARCH.

Head Quarters, Champlain, 29th March, 1814.

The army will enter Canada to-morrow to meet the enemy, who has approached in force to the vicinity of the national line of demarcation; the arms and ammunition are therefore to be critically examined, and the men completed to sixty rounds. The commanding officers of corps and companies will be held responsible for the exact fulfilment of this essential order. The troops to be completed to four day's cooked provisions, exclusive of the present; and it is recommended to the gentlemen in commission to make the same provision. No baggage will be taken forward, except the bedding of the officers. Let every officer and every man take the resolution to return victorious or not at all; for with double the force of the enemy, this army must not give ground.

Brigadier-general Macomb having joined with his command, the formation of the troops must necessarily be modified. They are therefore to be formed into three brigades; the first under General Macomb, consisting of his present command, with the addition of Colonel M. Smith's consolidated regiment; second and third under the command of Brigadier-generals Smith and Bissel, consisting of the troops already assigned to them. The order of march and battle will be furnished the brigadier-generals and commanding officers of regiments, by the adjutant general.

The transport permitted will be immediately returned for and distributed by regiments.

On the march, when approaching the enemy, or during an action, the men are to be profoundly silent, and will resolutely execute the commands they may receive from their officers. In every movement which may be made, the ranks are to be unbroken, and there must be no running forward or shouting. An officer will be posted on the right of each platoon, and a tried sergeant will form a supernumerary rank, and will instantly put to death any man who gives back. This formation is to take place by regiments and brigades in the course of the day, when the officers are to be posted.

Let every one perfectly understand his place, and let all bear in mind what they owe to their own honour, and to a beloved country, contending for its rights, and its very independence as a nation.

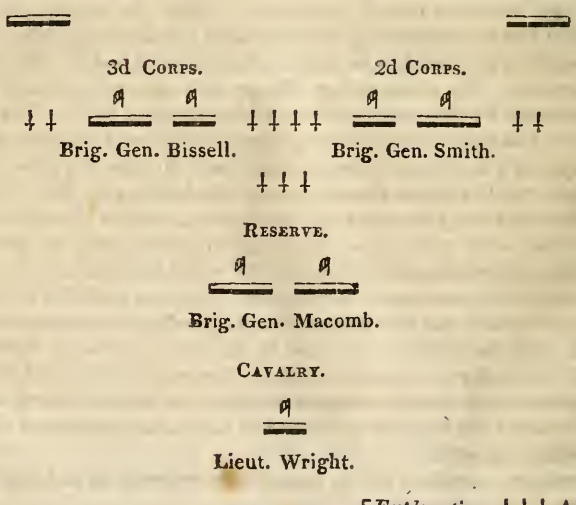
The officers must be careful that the men do not throw away their ammunition; one deliberate shot being worth half a dozen hurried ones; and they are to give to the troops the example of courage in every exigency which may happen.

In battle there must be no contest for rank or station, but every corps must march promptly and directly to the spot which it may be directed to occupy. The troops will be under arms at reveillée to-morrow morning, and will be ready to march at a moment's warning. All orders from the adjutant and inspector general's department—from Captain Rees, assistant deputy quartermaster general, and Major Lush and Captain Nourse, extra aid-de-camp to General Wilkinson, will be respected as coming from the commanding general himself.

Signed by order.

WM. CUMMINGS, *Adjutant-general.*

Order of Battle.



[*Explanation,* ǂ ǂ ǂ Artillery.]

Order of March.

Corporal and three dragoons.

Major Forsyth.

Colonel Clark.

4 pieces of artillery.

DRAGOONS.

Lieutenant Wright.

CORPS 2d.

Brigadier-general Smith.

4 pieces of artillery.

CORPS 3d.

Brigadier-general Bissell.

3 pieces of artillery.

RESERVE.

Brigadier-general Macomb.

No. XII.

MINUTES OF A COUNCIL OF WAR, HELD AT FORT GEORGE, ON THE 20th SEPTEMBER, 1813.

PRESENT—Major-general Wilkinson, Brigadier-general Boyd, Colonel Porter, Colonel Brady, Colonel Pierce, Colonel Bissell, Colonel Scott, Colonel Brearly, Colonel Preston, Colonel Miller, Lieutenant-colonel Cutting, Lieutenant-colonel Mitchell, Lieutenant-colonel Posey, Major Huyck, Major Campbell, Major Forsyth, Major Malcom, Major Nicholas, Major Lucas, Major Cummings, Major Hindman, Major Morgan, Major Battey.

Major-general Wilkinson states to the council that the concentration of the force at this place and Sackett's Harbour, and the reduction of Kingston, comprise his chief objects for the operations of the army pending the residue of this campaign.

In order to facilitate the second object, every practicable means have been employed, to attract the attention of the enemy to this point, and to draw hither the whole of his disposable force.

To accomplish the great object in view, as soon as the necessary arrangements can be made, a general embarkation will take place, and the main body of the troops will be transferred to the vicinity of Kingston, there to be joined by the division from Sackett's Harbour, which is in complete preparation for the movement.

To give security and effect to the enterprise in contemplation, it is essential that the several corps of the army should be preserved in their utmost strength.

The squadron under Commodore Chauncey having beaten that under Sir James L. Yeo, the latter made its escape into Amherst Bay, where it is blockaded by the American squadron, the Commodore of which, is bound and stands pledged to protect the movements of the army by water.

Having submitted this state of facts to the consideration of the council, the commander in chief of the district requests their sentiments on the following points, viz.:

1st.—Shall this post be strengthened and garrisoned for defence against the British division in its vicinity? or

2d.—Shall the place be razed and abandoned?

The council of war to whom the above questions have been submitted by Major-general Wilkinson, commanding in chief the 9th military district, unanimously, with the exception of one voice, answer the first question in the *negative;* the second question in the *affirmative.*

JOHN P. BOYD, *Brig. Gen.*

TEST,
W. Scott, Col. & Secretary.

No. IX.

The REPORTS of Doctor Ross, Chief Surgeon of the Northern Army, referred to from p. 378, produced in Evidence before the Court Martial.

MEDICAL REPORT

On the Causes of the Sickness which prevailed in the Northern Army at Sackett's Harbour, made to Brig. Gen. Brown, commanding, preparatory to the Expedition to Canada.

Hospital Department, Sept. 11. 1813.

Copy of the General Orders in the Adjutant-General's office of this date.

"That daily reports will be made out by the surgeons or surgeons' mates of their respective corps or regiments, of the sick under their charge, and delivered to the senior hospital surgeon by 4 o'clock, P. M. and the senior hospital surgeon will hand in a weekly report every Saturday morning, by 9 o'clock, to the commanding officer."

I. B. WALBACH, Adj't. General.

HOSPITAL DEPARTMENT—SACKETT'S HARBOUR.

A Weekly Report of the Sick in the Regimental Infirmaries and Hospital Tents, consolidated from the daily returns of the Regimental Surgeons, made agreeably to a General Order, issued the 11th September, 1813, Brigadier-General Jacob Brown, commanding.

General Military Hospital, Sackett's Harbour, Saturday, September 18, 1813.	In General Hospitals.	In Regimental Hospitals.	Sick in Country.	Ruptures.	Diarrhœa.	Dysenteries.	Jaundice.	Rheumatism.	Fever.	Invalids not fit for active duty.	Convalescent.	Total.
1st Light Dragoons - -	12	65										77
Light Artillery - -		36										36
3d Reg't. Heavy Artillery				4	19		7	7	12		26	83
11th Reg't. Infantry -		161		6	20	45	66	14	12		81	161
9th do. do. - -	36	72	4								40	104
21st do. do. - -	7	69									59	111
22d and 23d do. - -		19		4							11	20
6th do. do. - -		10										10
5th & 14th Inf'y. & Rifle Corps	7	67		3							35	79
	62	501	4	17	39	45	73	21	22		252	681

Remarks on the Weekly Sick Report made by order of Brigadier-General Brown, commanding at Sackett's Harbour, Saturday, September 18, 1813.

THE most prevalent diseases of the army are diarrhœas, dysenteries, typhus fevers, rheumatisms and jaundice. Their severity and malignancy have abated, and the sick lists diminished. *There is reason, however, to apprehend, if efficient measures are not very soon taken to guard against the approaching sickly season of the year, that they will increase in number, if not in virulence.* There are many reported as requiring medical aid, who, although incapable of sustaining the exposures and fatigues of an active campaign, yet may, on an emergency, be fit for defensive service.

The exciting and permanent causes of our most severe maladies may be ascribed, 1st. To scanty supplies of wholesome water. 2dly. The difficulty which always exists among raw troops of carrying salutary regulations into effect, or of enforcing a rigid camp police. 3dly. The bad provisions, *particularly bread,* which for many months past we have been supplied with, notwithstanding the repeated representations which have been made, and the promises of amendment.

I. Our common spring water is found by analysis to be highly charged with muriate of lime. Lake water at the distance of a mile from the shore, although it contains some foreign admixture, such as the infusion of certain vegetable matters extracted from the pine, hemlock, tamarisk, &c. poured into lake Ontario by the Black River (from whence that river derives its name) is nevertheless considered more healthy. The spring which affords the principal supply is in the village; but it is kept in such constant agitation as to be turbid, and too frequently unfit for culinary and domestic purposes.

Hence more springs had better be opened or wells sunk.

II. We have experienced the most happy effects from the sedulous attention and vigilance of our police.

The abatement in the malignancy of the diseases which frequently had thinned our ranks, is in a great measure to be attributed to it.—Before due consideration was given, and coercive methods taken to enforce an ancient and important duty of an army—the sacred injunction—*keep the camp clean*—we were enveloped in and respired, air surcharged with septic vapour. From this cause doubtless, many of our brave compatriots and soldiers, by constantly inhaling the peccant principle of diseases, have languished and died; who, had early attention been given to the subject, might have survived to participate in the glory which awaits the defenders of our liberty.

In every well organised army, a strict observance of cleanliness becomes an indispensable point of discipline; without it, health cannot be preserved; and without health no army can become efficient; hence this sacred duty requires the individual as well as collective co-operation of every diligent and patriotic officer.

III. Unwholesome bread is considered as a principal exciting and permanent cause of our bowel complaints.*

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* Note by Doctor Ross.—The particular form of disease produced by eating such pernicious bread is called *ergotism,* &c. because the flour contained the

Our bread is made from the flour of sprouted or grown wheat and damaged flour, in which from negligence, *lime*, *soap*, and other extraneous and even *feculent* ingredients, have been discovered.

Ergot or *Cockspur* (the Triticum Cornutum and Secale Cornutum) which is found both in wheat and rye. Besides the ergotty bread, a tincture of ergot was taken in the form of whiskey. Our whiskey, being distilled from grain containing the clavus secalinus or spurred rye, formed this alcoholic tincture. Hence both food and drink were productive of the *dry mortification* and other malignant symptoms of the diseases which prevailed in our army. I have numerous facts and authorities in my possession, as well as observations made by opening the bodies of several who were destroyed by this poisonous food.—"By the use of this bad grain amongst the poor, diseases have been produced, attended with *great debility and mortification of the extremities*, both in France and England."—Darwin's Phytologia, sect. xiv. 147, p. 291. Clavus, Ergot or Spur, Rubigo rust, Ustilago smut, &c.

The following are among a number of authorities detailing the effects produced on the human system by the internal use of food containing the *Ergot* or *Cockspur*, the medicinal powers of which, in its extraordinary influence as a *Pulvis ad Partum accelerandum* (Prescott on the Secale Cornutum, Eclect. Magaz. vol. iv. p. 49—Med. Rep. vol. ii. p. 308.) on the uterine system, are well known to physicians. When prudently employed as a medicine, it may be useful; but when taken as a food, it is poisonous.

Du Hamel's and Tessier's accounts in Bomare's *Dictionnaire Raisonneé*, art. Seigle—Philosoph. Transact. vol. lv. p. 106.

Langius, in *Descriptio Morborum ex esu Clavorum Secalinorum*, published in the Acta Eruditorum, Lipsiæ, 1717 and 1718. This scarce work is in the City Libraries of New York and Philadelphia. A copy of it, in 53 vols. from 1682 to 1728, belonged to the late Dr. Priestley, and was purchased for the National Library at Washington. See Acta Lipsiæ, p. 309.

Thompson's (Regius Professor of Military Surgery, Edinburgh) Lectures on Inflammation.

Dictionnaire des Sciences Medicales. Paris, art. Ergot, Ergotisme, &c.

Quesnai, *Traite de la Gangrene Seche.* Paris, 1749.

Dodard's Letter in the Journal De Savans.

Diderot's Observations in the Encyclopedia, ou Dictionnaire Raisonne Des Sciences. By D'Alembert.

Tillet's Prize Dissertation of the Academy of Bordeaux, 1754.

Dr. Charlton, Woolaston Cases, in Philosophical Transactions for 1762.

Willich's Domestic Encyclopedia. (By Mease.)

Many modern writers mention the deleterious nature of this food, but not one records the fact of an army having been supplied with such before the present period.

The maladies which afflicted our troops were so universal, that our flotilla was a *floating hospital*. An officer of high rank remarked, that our army might be tracked from Sackett's Harbour to the French Mills.

In a report received from a regimental surgeon as long since as the 14th of August, he states, that the bakers take water from the lake within three feet of the shore, with which they knead their bread; that naked men work in the dough; and that soap and other articles have been found in it.

The aggregate number of our sick, including those left at Sackett's Harbour, at the time of the expedition down the St. Lawrence, those returned from Grenadier Island to Sackett's Harbour, those left at Louisville (for want of transportation) and the number contained in the Report of the 31st December, 1813, amounted to twenty-eight hundred men!

Our bills of mortality swelled in proportion. There were two hundred and sixteen deaths in the month of December, 1813. The mortality spread so deep a gloom over our camps, that funeral dirges were countermanded. The processions moved in slow and solemn silence to the grave, the reward of many a meritorious soldier.

The fate of the French troops at Jaffa has been boldly told to the world. If that account is true, was not their treatment tender mercy compared to ours? Their sufferings were short; ours were of prolonged duration; theirs were for a few days; ours extended to many months—"For one year hath this crying sin been permitted to exist!"

As guardians of their health, was it not the imperious duty of the hospital staff to faithfully represent their overwhelming calamities?

Should not the eyes of our citizens be turned to our own blood encrimsoned fields? Cannot places be shewn almost whitened with the bones of our soldiers? Will not the future historian point out to posterity the Golgothas and Tophets, the Juggernauts and Jaffas, of the valley of the Son of Hinnom?

The author has admitted the preceding notes of Doctor Ross to explain his doctrines in respect to the immediate cause of the diseases of the army under his command on lake Ontario and the river St. Lawrence during the autumn and winter of 1813, because they may be serviceable to the gentlemen of the faculty hereafter entrusted with the health and lives of the common soldiery of the United States; and, at the same time, to enable him to call the attention of the reader to the specific fact—that this lucid and circumstantial report of Doctor Ross to Brigadier-General Brown, was kept from his knowledge, that the concealment, from what cause he knows not, left him in perfect ignorance of the predisposition of the troops to disease, and of the poisonous aliment which had produced it; and that being himself so ill as to be confined to his bed, he was deprived of the opportunity to make personal observation or enquiry, in consequence of which he embarked with a corps, which was in an incipient state of disease, on a perilous expedition, in the month of October, and under the latitude of 43° 30′ north—Yet under these circumstances, the author, though compelled to attempt a command which his bodily infirmities disqualified him to exercise, has been slandered in his character, condemned for his conduct, and ruined in his fortune, whilst those who by their neglects, their ignorance or dishonesty, have been accessary to the death of thousands, are promoted, honoured, and rewarded.

Such is the local situation of the bakery from its proximity to a stagnant part of the lake and the numerous privies which surround it, that the water thereabouts is impregnated with, and contains a diffusion of excrementitious matter. In a subsequent report from another surgeon, September 14th instant, a month later, it is represented that *human fæces*, or a substance much resembling it, was given to him by the commanding officer of a regiment, in the presence of several other officers; specimens of which accompanied the report, and can be examined.

In order to prevent a future recurrence of fatal disorders, precautionary measures are suggested, and recommended to be *immediately employed.*

Should our army not be put in motion very soon, it will be advisable to prepare for hutting and establishing dry and healthy winter quarters; for we may in a few days seriously apprehend an increase of sickness from the expected prevalence of autumnal diseases. New encamping ground should be selected. Experience abundantly evinces that the soil of fixed camps becomes putrescent by being imbued with animal recrements, especially those which have become the field of battle, as is the case of ours after the late attack; when men and horses were promiscuously buried not deeper than two feet on the argillaceous rocks below the surface of the alluvial soil which covers them.

Vegetius (de re Militari, lib. iii. cap. i.) confidently remarks, that the preservation of the health of camps depends on changing the ground, and the derelietion of all their impurities.

Quintus Curtius, in his report to Alexander the Great, after the battle of Arbela (Lib. v. 32.) strongly urges the utility of changing the site and position of encampments. No fact is of more familiar notoriety to those skilled in military diseases, than that the occasional shifting of troops is one of their most sure and certain preventives.

Activity and energy depend on health, which experience proves cannot exist in long fixed cantonments or camps; where the troops by becoming dispirited by disease, suffer a diminution of their natural ardour, and martial enterprise. A remarkable proof of this was observed in the British campaign of 1760. Those regiments which had been long encamped at Warbourg became very sickly, whilst those detached to the lower Rhine continued healthful, and were stronger, notwithstanding their great fatigue and hardships, than those regiments which remained inactive in the winter expedition of 1761, to the country of Hesse.

In fixed camps, under the circumstances and situation of ours, the septic vapour extricating from animal and vegetable disorganisation, becomes volatilised during the heat of the day, and afterwards condensed by the coolness of the nights and mornings, and consequently produces an insalubrious atmosphere. Hence it is evident, that where absolute necessity does not require it, it will not only be more comfortable, but more healthy and advantageous for the general prosperity of the troops, not to drill until some time after sunrise, when those noxious vapours and chilly dews shall have been again in part dispelled by the influence of the sun. The sentinels should have sentry boxes, and should be provided with warm and substantial clothing and watch coats to protect them against the inclemencies of a piercing and severe climate. If

there is a deficiency of watch coats, those made with blankets are an excellent substitute.

Besides the ordinary exterior garments, each private should have two flannel shirts, which, if not otherwise to be procured, might be commuted or exchanged for linen ones. The vast importance of woollen clothing, especially the protecting power of flannel shirts or waistcoats worn next the skin, is commended by all observing and practical surgeons who have had much experience in different parts of the world. It is recommended by Sir John Pringle in his "Diseases of the Army;" by Monro, in his "Observations on the Means of preserving the Health of Soldiers, and conducting Military Hospitals;" both of whom mention the benefit derived to the troops in consequence of such raiment, supplied by the benevolent and patriotic Society of Friends, during the British campaign of 1745 and 1746.

Doctor Rush, Physician-General of our Revolutionary Army, also bears ample testimony to the benefit derived from wearing flannel next the skin. This fact was fully experienced in the revolutionary army of the United States.

He affirms (Notes on Pringle, &c. p. 37), not one officer thus clad was indisposed at the siege of Savannah, and not one escaped who was not provided with this wholesome internal covering.

The troops of Wyoming, in Pennsylvania, who wore flannel shirts next their persons, were rarely seen in the military hospitals.

The above reflections are submitted to the *deliberate consideration of the commanding general, in the fervent hope efficient measures will speedily be taken to mitigate and prevent the long train of additional diseases, as catarrhs, inflammations of the lungs, pleurisies, &c. which may soon be expected to swell the sick reports of our army.*

Before I conclude, it may be proper to observe, that my reports contain a number of different grades of disability arising from wounds, ruptures, &c. Were an invalid corps established, they might enter it, be placed on the pension list, reserved for light duty in a garrison, or ultimately discharged the service.

The exclusion of the infirm and inefficient from the ranks, is like the removal of unsound trees of the forest, whereby the rest increase in health and vigour.

An army of choice troops will not only create a reciprocating confidence in itself, but become a happy presage of victory to its leaders.

WM. M. ROSS, Hopital Surgeon, U. S. Army.

Hospital Department, Sackett's Harbour, Sept. 18, 1813.

The following Extracts are from Dr. Ross's Observations on the Diseases of the Army. General Gaines directed an Inquiry to be made into these abuses, the circumstances of which were accordingly reported to him. So highly important to the service were the facts communicated, that he immediately forwarded that report to the war department for the consideration of government.

"The want of these articles, [rice, barley, &c.] we experienced very sensibly on our expedition to Canada, and especially on our return to French Mills. If our men had been supplied with them, in all probability many *lives had been saved who were sacrificed by the nefarious speculations of those who sent us the damaged Chateaugay flour. That deposit of flour was reported to have been condemned many months before, in consequence of its being made from grown, smutty, or spurred wheat.* Of so deleterious a nature is flour made from such damaged grain, that it gave a particular character or type to our diseases. It produced a *dry mortification of the extremities*, and many other remarkable symptoms, unnecessary to recapitulate on the present occasion.

"The morbiferous flour (which had been reported to general Brown as long since as the 18th Sept. 1813, previous to the expedition) constituted a permanent cause of our diseases, together with adulterated whiskey and unsound beef and pork, by whose malign agency many valuable lives have been lost to our country—many vigorous and healthy youth, who inlisted from the purest motives of patriotism, have been nipped in the bud of life.

"The expenditure of animal life, as is demonstrated by our bills of mortality during the campaign of 1813, has been so great, that the strongest appeals should be made to the constituted authorities. They should be solicited to extend their protecting arm and trace out such perfidious conduct to its source, which has destroyed more soldiers than have fallen by the sword of the enemy.

"For the commission of a crime much inferior than supplying unwholesome bread, did a late European potentate order a baker who had been found guilty of curtailing their allowance, to be baked in his own oven!

"After our expedition left Sackett's Harbour for Canada, and on the arrival of troops from the north-western frontier, a new cemetery was opened in the rear of Fort Volunteer. This burial ground is partly between the two abbatis of Fort Pike, and in the immediate vicinage of the artillery barracks and encamping ground of the 13th regiment of infantry.

"It has been stated that upwards of two hundred bodies had been buried there in the course of last autumn and winter, in a loose sandy soil, scarcely more than one or two feet in depth. In digging the trenches and constructing Fort Pike, several bodies were dug up and buried under the parapet. A large box was found which contained amputated limbs, and marked, '*British arms and legs.*'

"The proximity of this cemetery to the surrounding troops from the inconsiderate mode of sepulture, render it a nuisance.

"The records of antiquity from the remotest period of time, warn us to guard against the dangerous consequences which arise from such incautious proceedings, whereby whole communities as well as armies have been swept

away. Such melancholy facts have been handed down to us from the time of Thucydides the historian, and Vicq Dazyr (in his history of Sepulture), to Mitchill,* whose admonitions on subjects so important should awaken us to a just sense of our danger, and create an alarm which should always sound throughout the camps and armies of the United States.

WM. M. ROSS, Hospital Surgeon, U. S. Army.

Hospital Department, Sackett's Harbour, June 15, 1814.

To Brigadier-General Edmund P. Gaines, Commanding."

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* S. L. Mitchill, F. R. S. E. &c. &c. of New York. See Medical Repository.

No. XIII.—XXIII.

CORRESPONDENCE WITH COMMODORE CHAUNCEY.

(*No.* 1.)

Memorandum from Major-general Wilkinson to Commodore Chauncey.

The main body of the division of the army at this point, has sailed to join that at Sackett's Harbour at the head of the St. Lawrence, with the design to reduce Kingston and Prescott, and to proceed against Montreal.

The main body of the enemy's force is in this vicinity, at the head of the lake and in York, leaving Kingston very weak.

The enemy's squadron, beaten and forced to the head of the lake, is not in a situation to attempt the regaining of Kingston Harbour, while the American squadron keeps an eye upon it.

Under these circumstances, will it be for the interest of the service, that the American squadron should accompany the flotilla with the troops? or shall it watch the British squadron, effect its destruction, and prevent the sudden transfer of the division of the enemy by a rapid movement by water to reinforce Kingston?

It strikes me that in the first case, the enemy being apprised of our intention, by our movement, which cannot be concealed, may, with the aid of their squadron, reach Kingston, before our troops are embodied and organised for the attack:—and thus the reduction of the place may be spun out to the consumption of the season, and of course the main design must fail.

In the second case, while the American squadron blocks up that of the enemy at the head of the lake, the flotilla will enjoy a free sea, and the British by being cut off from transport by water, will be thrown back a month in their arrival at Kingston, long before which period the place must be taken, and our army landed on Montreal island; no act of God intervening to thwart our intentions.

In this state of things, Major-general Wilkinson requests of Commodore Chauncey his opinion and advice.

(*No.* 2.)

U. S. Ship Gen. Pike, off Niagara, 1st Oct. 1813.

Dear Sir.—The reasons that you assign in your memorandum, why the American squadron should remain in this vicinity, in preference to accompanying the flotilla down the lake, are so conclusive, and correspond so exactly with my own ideas and wishes upon the subject, that I have no other to offer. I will barely observe, that my best exertions shall be used to keep the enemy in check in this part of the lake, or effect his destruction. Yet with my utmost exertions and greatest vigilance, he may, when favoured by a strong westwardly wind, slip past me in the night, and get 18 or 20 hours the start of me down the lake, before I can discover his movements. If that should be the case, I shall lose no time in following him with so much celerity, as to prevent his interrupting you in your operations upon Kingston.

Wishing you all the success and glory that you could wish yourself, with respect and esteem, Dear Sir,

Your obedient servant,

ISAAC CHAUNCEY.

Major-general Wilkinson, Commander in Chief of the American forces upon the northern frontier, Fort George.

(No. 3.)

Sackett's Harbour, Oct. 9, 1813, 9 o'clock, A. M.

Sir.—If the wind should permit, I propose moving towards Kingston to-morrow morning, should it be in your power to co-operate with your squadron, without which no operation can be attempted with a promise of success, as Sir James Yeo is in port. I beg your answer, and have the honour to be, with respect and esteem, your obedient servant,

J. W.

Commodore Chauncey.

(No. 4.)

U. S. Ship Gen. Pike, Sackett's Harbour, 9th Oct. 1813.

Sir.—I have been honoured with your note of this morning, informing me that you intended to move with the army under your command towards Kingston to-morrow, and asking whether I could co-operate with the squadron under my command.

In answer, I will observe, that this squadron is now, and always has been, ready to co-operate with the army in any enterprise against the enemy, where it could be done with effect.

I have the honour to be, with great respect and esteem,

Sir, your obedient servant,

I. CHAUNCEY.

Major-general Wilkinson, Commander in Chief, &c.

(No. 5.)

Sackett's Harbour, Oct. 9th, 1813.

Sir.—Be pleased to inform me whether the squadron under your command, can take such a position below Kingston, as may keep Sir James Yeo in check and secure a safe landing of our army in that quarter; should this be impracticable, you will be pleased to inform me, whether you can keep the British squadron in check, to secure a safe landing to the army above Kingston; or should both these objects be abandoned, will it be in your power to descend the ship channel, and take a position to give safe passage to the army down the St. Lawrence? As the front of the troops will move to-morrow for Grenadier Island, I will thank you to take such position with your squadron as, in your judgment, may protect the army from insult.

With much respect, I have the honour to be, &c.

J. W.

Com. Chauncey, com'g. U. S. squadron, Ontario.

(No. 6.)

U. S. Ship Gen. Pike, Sackett's Harbour, 9th Oct. 1813.

Sir.—I have been honoured with your letter of this day's date, asking me three questions, viz.: "Whether the squadron under my command can take such a position below Kingston as may keep Sir J. Yeo in check, and secure a safe landing of the army in that quarter?" second "Whether I can keep the British squadron in check to secure a safe landing to the army above Kingston?" third, "Whether I could take a position to give a safe passage to the army down the St. Lawrence?"

In answer to the first, I have already detailed to you my objections in a conversation had upon the subject this day; in answer to the second and third questions propounded, I will observe, that I can keep the British squadron in check, so as to secure a safe landing to the army above Kingston, and also secure to them a safe passage down the St. Lawrence as far as the fleet can go.

I have the honour to be, &c.

ISAAC CHAUNCEY.

Major-general Wilkinson.

(No. 7.)

U. S. Ship Gen. Pike, Sackett's Harbour, 16th Oct. 1813.

Sir.—The honourable the secretary at war having requested that I would afford transport to that part of the army, now under the command of Colonel Scott, and believed to be at or near the mouth of Genesee River; I shall therefore proceed immediately with the squadron under my command for Genesee River, take on board Colonel Scott and his men, and join you at Grenadier Island as soon as possible.

I have the honour to be, very respectfully, Sir,
Your obedient servant,

ISAAC CHAUNCEY.

Major-general James Wilkinson, &c. &c.

(No. 8.)

Head Quarters, Sackett's Harbour, Oct. 16th, 1813.

Sir.—I have had the honour to receive your letter of this day, and briefly reply, that the arrangement with regard to your movement, has been made without my privity or approbation, and I hold myself therefore irresponsible for consequences.

With much consideration and respect,
I am, Sir, your obedient servant,

JA. WILKINSON.

N. B. The front of the troops will move to-day for Grenadier Island.

Commodore Chauncey, Comd'g the U. S. Squadron—Ontario.

(No. 9.)

U. S. Ship General Pike, Sackett's Harbour, 16th Oct. 1813.

Sir.—Since I wrote you this morning, I have received a letter from the hon. the secretary at war, which in consequence of information received from you, makes it unnecessary for the fleet to proceed to the mouth of Genesee river for Colonel Scott. I shall therefore cruise in this vicinity, and in the Kingston channel, until the army is ready to move for its ulterior object. I beg to repeat to you, Sir, that I am now, as I always have been, ready to co-operate with the army, with the force under my command, to the full extent of its power, in any enterprise against the enemy.

I have the honour to be, &c.

ISAAC CHAUNCEY.

Major-general James Wilkinson.

(No. 10.)

French Creek, Nov. 4th, 1813.

Dear Sir.—I was so ill yesterday I could not call to see you, and I now send up to say, that I shall sail this evening; and if I am not obstructed by the enemy's armed vessels, which may have slipped down the other channel, I shall pass Prescott to-morrow night, or land the next morning to take the place, if I cannot pass it without too great hazard. As this operation may require three or four days, it is not improbable the enemy's squadron may make some attack to destroy my boats, and therefore I must intreat you to watch his every motion, and give my flotilla every protection in your power.

We are a match for the gun-boats of the enemy, but inferior to armed schooners; and therefore could you consistently spare us, for our protection, the Pert, or some armed vessel, to run down to the vicinity of Ogdensburg and immediately return, it would add security to our movement.

Major Johnson will have the honour to deliver you this; and I will thank you for any information you can give respecting the movements of the enemy.

I wish very much to say farewel to you; but I am sensible of the delicacy of your situation, and my disease having changed into a violent inflammation of the breast, I dare not get wet. If then it be destined that we are not to meet again, I will leave with you my prayers for long life and laurels in this world, and everlasting happiness in that which is to come. Farewel, my friend, and may your country understand your skill and valour as much as does,

JA. WILKINSON.

Commodore Chauncey.

(No. 11.)

U. S. Ship General Pike, at anchor off the end of Long Island, River St Lawrence, 4th Nov. 1813.

Dear Sir.—Your favour of this day's date has this moment been received by me from Colonel Johnson.

From the best information that I can get, the enemy's fleet is at or in the vi-

cinity of Kingston, and I think that you have nothing to apprehend from them, as I am in a situation to watch both channels.

I should deem it unsafe to separate any part of my squadron so long as the enemy remains above me; in fact, I am in hourly expectation of being attacked by Sir James down the south channel; in that case I shall require all my force, as he has added a number of gun-boats to his fleet. If, however, Sir James should detach any part of his fleet down the north channel, I will send a sufficient force down to oppose him.

I will remain in my present station, until you pass Prescott; but am anxious for that event to take place at as early a day as possible, as the fleet cannot move out of this river, except with a fair wind.

It is to be apprehended, that after a few days a spell of westwardly winds will set in, which may detain us until the ice makes, which would endanger the safety of the fleet, and probably lead to its final destruction. If it is possible for you to communicate to me, in any way, when you pass Prescott, I should esteem it as a particular favour.

May your present enterprise be crowned with all the success, that you yourself can wish; and that your eminent services be duly appreciated by your country, is the prayer of

Dear Sir, your friend and humble servant,

ISAAC CHAUNCEY.

Major-general James Wilkinson, Commander in Chief.

No. XXIV.

COUNCIL OF WAR AT THE WHITE HOUSE.

Near Hamilton, on the St Lawrence, Nov. 8th, 1813.

Major-general Wilkinson states in a council of war, to Major-general Lewis, Brigadier-generals Boyd, Brown, Covington, and Porter, as follows, viz.

That the force under his immediate command is reported at 7,000 non-commissioned officers and privates, and that he expects to make a junction with Major-general Hampton at St. Regis, whose division has been reported at 4,000.

The provisions on hand amount to about ten day's bread and twenty day's meat.

The best information of the enemy's force is as follows; 600 under Colonel Murray, troops of the line, at the Coteau de Lac, strongly fortified with artillery; 200 on the island opposite, with two pieces of artillery; and about the same number on the south shore, with two pieces of artillery; 200 or 300 more of the British line, with artillery, but without ammunition, at the Cedars; at Montreal 200 sailors and 400 marines, with the militia, numbers unknown; no fortifications at that city, or in advance of it; 2,500 regular troops expected daily from Quebec. The militia on the line, reported at 20,000 men, Canadians chiefly.

Under these circumstances, Major-general Wilkinson submits to the council the following propositions; viz.

Shall the army proceed with all possible rapidity to the attack of the said city of Montreal? The above information is given by a confidential agent of reputed integrity, who left Montreal on the 3d instant. It may be added for the information of the council, that two British armed vessels, with sixty batteaux with troops, had arrived at Prescott this morning, and that 400 men were the last evening at Cornwall, about 33 miles from this point.

It is our opinion that we should proceed to attack Montreal, the object of the expedition.

MORGAN LEWIS.
JOHN P. BOYD,
JACOB BROWN.
ROBERT SWARTWOUT.

It is our opinon, that we proceed from this place under great danger, from the want of proper transport, pilots, &c. but are anxious to meet the enemy at Montreal, because we know of no other alternative.

LEONARD COVINGTON.
MOSES PORTER.

No. XXV.

ORDER OF 9th APRIL, TO TAKE COMMAND AT NEW ORLEANS.

War Department, April 9th, 1812.

Sir.—By instructions of the President I request you will repair to New Orleans and take command of the troops and stations within the territories of Orleans and Mississippi.

With respectful consideration, &c.

W. EUSTIS.

Brigadier-general Wilkinson.

No. XXVI.

NOTE PRESENTED TO THE CABINET BY THE SECRETARY OF WAR.

February 8, 1813.

The enemy's force at Montreal and its dependencies has been stated at 16,000 effectives. It more probably does not exceed 12,000. The militia part of it may amount to one-sixth of the whole. It is probable that we shall be able to open the campaign on Lake Champlain with a force competent to meet and dislodge this army before the 15th May? I put the question on this date, because it is not to be doubted but that the enemy will then be reinforced, and of course that new relations in point of strength will be established between us.

Our present regular force on both sides of Lake Champlain does not exceed 2400. The additions made to it must necessarily consist of recruits, who for a time will not be better than militia; and when we consider that the military

A Statement of Major-

PRESENT.

Regiments or Corps.	Fit for Active Duty.																Aggregate.
	Colonels.	Lieut. Colonels.	Majors.	Adjutants.	Paymasters.	Quarter-masters.	Surgeons.	Surgeon's Mates.	Captains.	1st Lieutenants.	2d Lieutenants.	3d Lieutenants.	Ensigns.	Cadets.	Sergeant-majors.	Q. M. Sergeants.	Teachers, Music.	tive service.	
Light Dragoons			1	1		1	1	1	2	1	5				1	1			395
Light Artillery									2		2			1					189
Detachment 2d Artillery									1										60
3d Artillery	1			1		1		1	3	3	3	1				1	1		550
9th Infantry			1	1	1	1	1	1	3		4		5		1	1	1		419
11th Do.			1	1			1		1	5	3		7						528
14th Do.								1	1	1			4						275
16th Do.			1					1	2	1	1		1						219
21st Do.		1		1		1			4		4		4		1	1			707
Detachm. 6th, 15th & 25th inf and rifle regt.			1						1		1		1						141
	1	1	5	5	1	4	3	5	20	11	23	1	22	1	3	4	2		3483

Fit for Active duty

Colonel - -
Lieutenant-colonel
Majors - -
Adjutants -
Paymasters - -
Quarter-masters -
Surgeons -
Surgeon's Mates -
Captains - -
1st Lieutenants -
2d Do. - -
3d Do. - -
Ensigns -

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service is but beginning, and that we now approach the middle of February, the conclusion, is, I think safe, that we cannot move in this direction or thus early, (say 1st May).

It then remains to choose between a course of entire inaction, because incompetent to the main attack, or one secondary, but still an important object. Such would be the reduction of that part of Upper Canada, lying between the town of Prescott on the St. Lawrence and Lake Erie, including the towns of Kingston and York, and the forts George and Erie. On this line of frontier the enemy have, at Prescott 300, at Kingston 600, at George and Erie 1200, making a total of regular troops of 2,100. Kingston and Prescott, and the destruction of the British ships at the former, would present the first object; York, and the frigates said to be building there, the second; George and Erie, the third.

The force to be employed on this service should not be less than 6000, because in this first enterprise of a second campaign, nothing must, if possible, be left to chance.

The time for giving execution to this plan is clearly indicated by the following facts.

1st.—The river St. Lawrence is not open to the purposes of navigation before the 15th May; and

2d.—Lake Ontario is free from all obstruction arising from ice by the 1st day of April.

Under these circumstances we shall have six weeks for the expedition before it is possible for Sir George Prevost to give it any disturbance.

Should this outline be approved, the details for the service can be made and expedited in 48 hours.

Approved and adopted, 10th February, 1813.

JOHN ARMSTRONG.

No. XXVII.

RETURN OF TROOPS AT BURLINGTON, SACKETT'S HARBOUR, AND FORT GEORGE.

[See Appendix, No. VI.]

[No. XXVIII.—*See Table facing this page.*]

No. XXVIII.

A Statement of Major-general Morgan Lewis' Division, Sackett's Harbour, 24th August, 1813.

| Regiments or Corps. | PRESENT. Fit for Active Duty. Colonels. | Lieut. Colonels. | Majors. | Adjutants. | Paymasters. | Quarter-masters. | Surgeons. | Surgeon's Mates. | Captains. | 1st Lieutenants. | 2d Lieutenants. | 3d Lieutenants. | Ensigns. | Cadets. | Sergeant-majors. | Q. M. Sergeants. | Teachers, Music. | Sergeants. | Corporals. | Musicians. | Artificers. | Privates. | Total. | PRESENT. Strongly Convalescent. Majors. | Captains. | 1st Lieutenants. | 2d Lieutenants. | 3d Lieutenants. | Ensigns. | Sergeant-majors. | Q. M. Sergeants. | Teachers, Music. | Sergeants. | Corporals. | Musicians. | Artificers. | Privates. | Total. | PRESENT. Too feeble for Active Service. Majors. | Captains. | 1st Lieutenants. | 2d Lieutenants. | 3d Lieutenants. | Ensigns. | Sergeant-majors. | Q. M. Sergeants. | Teachers, Music. | Sergeants. | Corporals. | Musicians. | Artificers. | Privates. | Total. | Total fit for active duty, strongly convalescent, and too feeble for active service. | Aggregate. |
|---|---|---

service is but beginning, and that we now approach the middle of February, the conclusion, is, I think safe, that we cannot move in this direction or thus early, (say 1st May).

It then remains to choose between a course of entire inaction, because incompetent to the main attack, or one secondary, but still an important object. Such would be the reduction of that part of Upper Canada, lying between the town of Prescott on the St. Lawrence and Lake Erie, including the towns of Kingston and York, and the forts George and Erie. On this line of frontier the enemy have, at Prescott 300, at Kingston 600, at George and Erie 1200, making a total of regular troops of 2,100. Kingston and Prescott, and the destruction of the British ships at the former, would present the first object; York, and the frigates said to be building there, the second; George and Erie, the third.

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RETURN OF TROOPS AT BURLINGTON, SACKETT'S HARBOUR, AND FORT GEORGE.

[See Appendix, No. VI.]

[No. XXVIII.—*See Table facing this page.*]

No. XXIX.

GENERAL WILKINSON'S LETTERS OF THE 24th, 26th, AND 30th AUG.

Sackett's Harbour, August 24th, 1813.

Sir.—All things are working well, and it would seem that nothing short of an act of God or the betrayal of my plans, can prevent our success. Generals Lewis, Brown and Swartwout, and Commodore Chauncey, are necessarily in my confidence; but with them all will be safe.

Sir George is at the head of the lake, carried thither probably by the defection of his Indians or the pressure at Malden; and I am making strong demonstrations to the same point, in order to weaken Kingston that we may take it "*en passant.*"

The prevalent idea here is, that I am determined to cut up De Rottenburgh and Vincent; the same impression will be felt in Kingston to-morrow; and should my orders reach him, Boyd will the day after be actively engaged in making preparations for the enterprise; but his arrangements are calculated to accelerate my sudden departure from Fort George, and rapid descent of the lake with his whole force. You will hear of many movements; all of which are designed to deceive the enemy, without fatiguing the troops, or retarding the operations of the campaign.

I must give a few days to the division at this place, to concert with General Lewis, and put every thing in readiness for a movement on the shortest notice; because it is my intention, with the favour of heaven, not to put in here, but to proceed with Boyd's division, and order Major-general Lewis to follow close on my rear, to a rendezvous somewhere below Kingston on the St. Lawrence.

To prevent Sir George playing Boyd a trick, I yesterday despatched to the latter, the information under cover, received from a pilot (of character) taken on board the Julia, who made his escape from Earnest Town, 18 miles above Kingston, the morning of the 22d instant.

Under the change of season, and the judicious arrangements of Doctor Tilton, our sick are recovering rapidly, but as yet I have not received the necessary information, on which to found a safe estimate of the force which may be led from this position. I pray you to hurry forward the detachment from Pennsylvania, Maryland, Virginia and New York, leaving the defence of these states to their yeomanry.

You have under cover a copy of my preliminary order. I trust, you will not interfere with my arrangements, or give orders within the district of my command, but to myself; because it would impair my authority and distract the public service; two heads on the same shoulders make a monster. Burn is in motion for Utica, to fatten, form and break his horses, where he will receive further orders in due season.

We are greatly deficient in transport; but measures are in operation to remedy the defect; it was believed we had a sufficiency here, when in fact we have next to none.

I must leave this place by the 28th, the season glides away so rapidly; and if Sir James Yeo comes out, I shall have the pleasure to see Chauncey give the vapouring dog a sound drubbing. As I shall have no chance of seeing you here, I hope you may indulge me with that pleasure at Niagara, for which end

it is necessary you should be there by the 12th proximo. Here there is no occasion for you, except it be to get into a conflict with the civil authority.

With perfect respect, &c.

JA. WILKINSON.

Hon. John Armstrong, Secretary of War.

Sackett's Harbour, August 26th, 1813.

Sir.—Chauncey will go out, he says, to-morrow or next day, to seek Sir James. I see the necessity of settling the point of *naval superiority* before we commit ourselves, and therefore the decision cannot be had too soon. In the mean time the essential arrangements progress, and if the means can be mustered, they will ensure the end.

I fear Yeo will avoid a contest to spin out the campaign, and gain time for reinforcements and the organization of militia; but if he will not come out, we must blockade him. I go for Niagara the moment our arrangements are matured here. Sir George has actually gone to the head of the lake with a reinforcement. To prevent his playing tricks with Boyd, I have sent him (Boyd) the note of which you have a copy.

On Saturday the 21st, one hundred and sixty regular troops ascended by Ogdensburgh to Kingston, and on the 23d or 24th, they were followed by 500 Highlanders in their kelts, who conducted up 100 boats; thus we see this quarter attracts chief attention. All my efforts will be made to induce Sir George to draw after him the chief part of the garrison of Kingston, which must now be 5000 strong. The situation of Proctor, and the irruption of our Indians have gone far to excite these dispositions. Meet me at Niagara, if possible, and for God's sake press on the recruits from Albany and the southward; and send me Wadsworth, Swift, Fenwick and Izard. All things go well here, and thank God the men are recovering rapidly. I hear not a word from Hampton. I hope he does not mean to take the stud; but if so, we can do without him, and he should be sent home.

Truly Yours,

JA. WILKINSON.

Sackett's Harbour, August 30th, 1813.

Sir.—With every exertion he could make, it was not until the last evening, Chauncey got under way; and the weather being calm, he must be now off this Harbour.

Agreeably to my information Sir James sailed for the head of the lake the 22d inst., with the two captured schooners in addition to his squadron, no doubt to co-operate with Sir George, but did not get clear of the Ducks before the 25th.

Brigadier-general Boyd is warned of this movement; and being placed on his guard, he ought to baffle every enterprise of the enemy. What an awful crisis have I reached! If Sir George beats Boyd, and Sir James, Chauncey, my prospects are blasted, and the campaign will, I fear, be lost. If Sir George beats Boyd, and Chauncey beats Sir James, Kingston may yet be ours; but should both the knights be beaten, and our quarter-master can find transport in season

(of which I have fears, as I found next to none here) then we shall certainly winter in Montreal, if not discomfited by some act of God. If I could have mustered 3000 combatants on this ground, with transport to bear them, I would now have been before Kingston, where Sir George has left only 1500 regular troops, and about 500 militia; but our utmost force is short of 2500, as you will perceive from the inclosed return; and we could not have found boats to transport one thousand.

The enemy having determined to change his system of operations, from defence to offence, is assembling his whole disposable force at the head of the lake to attack Fort George; thus placing himself at too great a distance from Montreal to give seasonable succour to that city; he certainly presumes on our imbecility, and we certainly should take advantage of his presumption.

The militia called for should therefore be immediately arrayed and marched to this frontier, and Major-general Hampton should without delay, cross the Champlain, and commence his movement towards St. Johns, taking the Isle au Noix in his route, or not, as circumstances may justify.

Four thousand of the best appointed yeomanry should be ordered to rendezvous at Hamilton on the St. Lawrence for operations with this division; and the residue may accompany or follow Hampton to draw the militia of Montreal and the disposable force of the lower country to the east of the St. Lawrence, and thereby make the island an easy conquest from this quarter.

Sir George Prevost, it would seem, has taken his part, and deluded by the hope of re-conquest, has abandoned his rear to our enterprise, and we might now, without the co-operation of our squadron, safely occupy Madrid, and cut off the communication of the two provinces with this division only, if we had transports; but of this we are totally destitute; every boat we command here, being at this time absent with a detachment of 800 men, ordered to make a feint to the westward, under pretence of reinforcing Niagara, before I was apprised of Sir George's movement.

The return under cover will expose to you the distracted and disorganized state in which I found this army. It will also exhibit to you the dreadful deficiency of officers; for we have but 1 Colonel and 25 Captains to 3003 men; a sad condition in which to lead raw troops to battle! To remedy this evil with the utmost promptitude, (indeed no other plan can cure it seasonably) I will pray of you to hasten forward the promotions which have been made, and to authorise me to fill vacancies in regular gradation, and to appoint Ensigns from our cadets and non-commissioned officers; by this means our platoons may be tolerably formed for action, and the army will be relieved from much anxiety.

I could not leave this post before Chauncey sailed, because circumstances might have occurred to change our plan of operations; but now I am on the wing, shall embark in an hour, and with exception to intervals for short repose, shall ply my oars day and night until I reach Niagara, where I trust in the Almighty I may arrive in season to take my place in any combat Sir George may force us to, or (Chauncey having vanquished the squadron) to leave him and his army to find their way back to Kingston a month after I shall have possession of Montreal. You will perceive I am ardent, and may rest confident every faculty, moral and physical, shall be exerted in the cause of our country. Yet "it is not in mortals to command success," &c.

With much respect, &c.

Hon. John Armstrong, Secretary of War. JA. WILKINSON.

Sackett's Harbour, August 30th, 1813.

Sir.—I have commenced, barely, the arrangement of the department of intelligence. An intelligencer left Kingston, or its vicinity, last evening, to tell me that Sir George Prevost had commenced his operations against Boyd, and had driven in his piquets and taken 60 or 70 prisoners; but had been repulsed from his line of encampment.

The militia of Montreal are at Kingston, and reinforcements by single hundreds are arriving frequently; 400 men are expected in the course of the week.

The force at Kingston is 2000 men, (regulars 1500, militia 500). Major-general Darrack commands, and they are assiduously strengthening their works. Sir James Yeo sailed with six weeks provisions, expressly to co-operate with Sir George at the head of the lake. A double battle, and a double victory, offer a strong temptation; but I will not be diverted from my course.

I have written Governor Tompkins on the subject of a draft of militia for the Strait of Niagara, to supply the absence of our troops of the line, and prevent clamour; but have not been so happy as to receive an acknowledgment of my letter.

With perfect respect, &c.

JA. WILKINSON.

Hon. John Armstrong, Secretary of War.

No. XXX.

INSTRUCTIONS TO BRIGADIER-GENERAL BROWN.

Head Quarters, Sackett's Harbour, August 29th, 1813.

Sir.—I shall sail for Niagara the day after to-morrow, previous to which it becomes my duty to call your attention to the following important objects.

1st.—To have the troops trained for action, agreeably to the order of the 23d instant, with redoubled industry.

2d.—To have the men, arms, accoutrements, camp equipage and baggage in prime order, fully ammunitioned and compactly arranged for embarkation on a day's notice, by the 22d of the ensuing month.

3d.—To have the light artillery, with its attirail complete, and one hundred and fifty rounds of ammunition per gun assorted, ready for embarkation at the same time.

4th.—To have all the battering guns on travelling carriages, with their equipments and 300 rounds of ammunition per gun assorted, ready for embarkation at the same time.

5th.—To have all the small arms and equipments fit for service, and the fixed ammunition in store for those arms, with flints, drums, fifes, bugles and other military instruments and stores, in readiness for embarkation at the same time.

6th.—To have a due proportion of the axes and entrenching tools helved; and with the other tools, the stores and implements of the quarter-master's department, duly arranged, and in readiness for embarkation at the same time.

7th.—To have a sufficient quantity of medicine, hospital stores and furniture

for 10,000 men, during the months of October, November and December, ready for embarkation at the same time.

8th.—To have the wagons and teams in complete order to move by land at the same time.

9th.—To have the whole of the winter clothing, hats, shoes, shirts and stockings, packed and ready for embarkation at the same time.

10th.—To have the whole of the camp equipage, in store, arranged, packed, and in readiness for embarkation at the same time.

11th.—To engage 3 or 400 pilots and watermen for the St. Lawrence, to be ready for service at the same period.

12th.—To have 12 suitable boats, armed and equipped with a 4, 6, or 12 pounder each, to row 30 oars, and to be manned by 50 men; and

13th.—To have all the biscuit and the bulk of the contractor's provisions and stores brought to this place from Oswego.

The utmost punctuality is indispensable in the fulfilment of these orders; because a failure in any particular department, may produce ruinous delays.

Transport has been required from the quarter-master general, for the whole embarkation; and he stands pledged to furnish it in season; you will press him on this point, and on the equipment of his craft with an abundance of spare oars, scoops, sails and tarpaulins, boat-hooks, &c.

All surplus articles on this ground, not herein enumerated, must be deposited in a place of safety, in charge of some officer of the department to which they may appertain.

I rely with much confidence on your zeal, exertions and capacity in the execution of these orders, and shall communicate from Niagara the day I arrive there, and that on which I may leave the place.

It is unnecessary for me to caution you against a powerful enemy within six hour's sail of you; but I will recommend that you should be in constant readiness to receive him; and that your vigilance should not be relaxed in the smallest degree.

To repress the predatory incursions of the enemy, to watch his movements along the east bank of the St. Lawrence, and if possible, to cut off all intercourse with him, you will be pleased to detach Captain Morgan and his company to scout as low down as Ogdensburgh, concealing himself as much as possible from the disaffected, with orders to report to you every observation and occurrence worthy note; but he is not to cross the river, or commit any depredation on either side.

I am, &c. &c.

JA. WILKINSON.

Brigadier-general Brown.

No. XXXI.

GENERAL WILKINSON TO COMMODORE CHAUNCEY.

[See Appendix, No. XIII.]

No. XXXII.

SECRETARY'S LETTER OF THE 22d SEPT.

Dear General.—Your letters of the 14th, 17th and 18th instant, have been this moment received. I hasten to answer them. The main object must be prosecuted. Chauncey is not broken down; he can and will command the lake; and while he does so, our position at Fort George may be maintained. If the enemy's sick list amounts to 1400 out of 3000, they can undertake nothing with effect. In this view of the subject, close with P. B. Porter's proposition made in the following words:

"Our proposition (in case of your leaving this place) is, that we be permitted to raise between this and the 1st of October, a volunteer force, of from 1000 to 1200 men, exclusive of Indians. That we add to it as many of the militia stationed on the lines as may be willing to join us; that we are to be furnished with a small train (say 4 pieces) of field artillery, with experienced officers and men to fight them; and that with this force we be authorised to invade the enemy's country."

Redman's corps may join Porter. Any volunteers you may have with the army, whose times are near expiring, and who are desirous of continuing in the service, may do so also. We will cover the whole by a requisition upon Governor Tompkins for additional militia. There is not a captaincy in the army vacant that I know of, and to which the gentleman recommended can, on general principles, be appointed. Cannot Irvin be put into the staff? Let him be appointed to some small place in the line; the other can then be conferred upon him. Consult him on this, and let me know his answer. The sergeant recommended by Colonel Scott may be promoted. Your appointment (by general order) of any non-commissioned officer will be confirmed.

The enemy's fleet have left the Chesapeake, I believe for Halifax, whence the land troops are to be sent into Canada—another motive for quick movements. To the south, and especially in the direction of Pensacola and New Orleans, our force will be imposing. Mitchell (of Georgia) takes with him 2500 mounted riflemen—Tennessee gives 1500 do. In that district (since the march northward of the 3d regiment has been countermanded) our regular and volunteer force exceed 3000. The whole land force on board Warren does not amount to 2000 men.—We are safe there. No. 4, is evacuated altogether by the enemy; No. 3, may be menaced, but only menaced. I have ordered Dearborn to that district. I rejoice my friend at your recovery, and in the prospect of a speedy meeting with you. My last letter by Chauncey of the 18th or 19th gave you all we yet know. Prevost has left Kingston, it is said for Quebec, more probably for Montreal. Harrison has got a prop from the army, and if the story of Perry's success be true, has the ball at his foot.

Yours, faithfully and ever,

JOHN ARMSTRONG.

Sackett's Harbour, Sept. 22d, 1813.

General Wilkinson.

P. S. The Porter spoken of in my last, as a Brigadier by brevet, is the old artillery colonel of that name.

No. XXXIII.

MINUTES OF A COUNCIL OF WAR, HELD AT FORT GEORGE, ON THE 26th SEPTEMBER, 1813.

[See Appendix, No. XII.]

No. XXXIV.

SECRETARY OF WAR TO GENERAL WILKINSON.

War Department, August 9th, 1813.

Dear Sir.—In answer to that part of your letter of the 6th instant, which calls for information, &c. on certain enumerated points, I have the honour to state,

1st.—That General Hampton's instructions go only to assemble and organise his division at Burlington. It is intended that he shall operate contemporarily with you, and under your orders, in prosecution of the plan of the campaign, which has been given to you.

2d.—The senior Major-general commanding the principal army is entitled to the services of a private secretary.

3d.—The ordnance and other departments of supply within the district (No. 9.) are subject of course to your orders.

4th.—The quarter-master general of the army, will supply the funds for secret service.

5th.—All orders to subordinate officers pass from the war department to the adjutant-general, to be communicated by him to the general commanding the district in which such subordinate officer may serve.

6th.—No specific permission is necessary, for removing factious or disorderly men. All such will properly become subjects of the confidential reports to be made by inspectors. To detach such men from one district to another, is only shifting the evil; the better way is to report them for dismission.

7th.—If the corps at Fort George be recalled, the works should be razed or occupied by a force competent to hold it against an *assault.* There is a corps of militia (to whom the Six Nations of Indians have associated themselves) at Black Rock, which may be kept in service. They are commanded by General Porter and Mr. Parish.

8th.—The secretary of war will decline and forbid all improper communications, and particularly such as may bear any color of insubordination.

9th—Besides the ordinary mode of communication, expresses may be employed in extraordinary cases.

10th.—The dragoons and light artillery corps shall be made efficient. Horses may be bought for both. An officer from each corps should be directed to superintend the purchases. Price (average) not to exceed one hundred and twenty dollars.

I have the honour to to be, &c.

JOHN ARMSTRONG.

Major-general Wilkinson, Comd'g the Northern Army.

No. XXXV.

GENERAL WILKINSON TO GENERAL HAMPTON.

Albany, August 16th, 1813.

Sir.—The President of the United States having thought proper to confer on me the chief command of the military district, No. 9, I avail myself of the opportunity of Colonel Atkinson, to request from you as speedily as possible, returns to shew the strength of the division you command in detail, together with reports, to exhibit the state of arms, equipments, artillery, ordnance stores, camp equipage, tools, implements, and transport for land or water.

This information being essential to our effectual co-operation in the common cause of our country, I beg to receive it as promptly as may be by express or otherwise, with any additional information you may deem essential to the public service.

With much consideration and respect,
I have the honour to be, Sir,
Your obedient servant,
JA. WILKINSON.

Major-general Hampton, Comd'g at Burlington.

Albany, August 16th, 1813, *7 o'clock, P. M.*

Sir.—Permit me, by Colonel Thomas, to suggest to you the expediency of crossing Lake Champlain to Plattsburg, or its vicinity, as soon as you can make the movement without hazarding the public interest. And let me beg of you, to order Colonel Walbach, who has been appointed adjutant-general, to join me as soon as possible at Sackett's Harbour.

Respectfully I am, Sir,
Your obedient servant,
JA. WILKINSON.

Major-general W. Hampton.

No. XXXVI.

GENERAL HAMPTON TO THE SECRETARY OF WAR.

Burlington August 23d, 1813.

Sir.—I have the honour to inclose copies of two letters, which I have lately received from Major-general Wilkinson. You will not have forgotten the reluctance, with which the command at Burlington was accepted. It was offered to me at a time and under circumstances, that gave me a claim to command immediately on the lines. I earnestly solicited one under the immediate orders of General Dearborn.

For refusing that which I had solicited, you remarked, that the one at Bur-

lington had been assigned me, because it was intended to be a *distinct and separate command.*

When you stated, in answer to my inquiries, that nearly the whole of the force intended to be assigned me, was to be made up of raw recruits, and had heard my remarks relating to the difficulty of preparing men for active operarations in so short a time, I added, "and should I devote myself to this task, and succeed in giving a character of efficiency to the force assigned me, am I to understand, that this force is not to be taken from me, before the end of the campaign, nor my command encroached upon by a superior in rank." You replied in the affirmative, and only remarked (in reference to the general plan of operations, which you had a few minutes before pretty fully developed, by reading to me a copy of one of your despatches to General Dearborn,) that in the event of a decided movement of the character referred to in your despatch, a combined one would probably be required of me, and that after the junction of the two armies, the principle of seniority would always determine the command. This was as nearly as my memory serves me, the conversation that passed between us, immediately preceding my acceptance of a command, which you did not affect to force upon me, although I saw clearly, I was to expect no other.

I have been the more particular in stating it, with a view of appealing to your feelings as a military man, what ought to have been mine upon the receipt of General Wilkinson's letter.

Of the General himself, and of many considerations connected with this subject, I shall say nothing in this place.

My command, instead of being a separate one, has sunk within that of a district.

I am taught that even my local movements are to depend upon orders issuing from an individual 200 or 400 miles distant. In a word I am permitted to do nothing, but that which that individual may think proper to permit me to do; and the extent of that permission can only be conjectured by a knowledge of circumstances which it is not my purpose to touch.

Under this state of things, I can neither expect to render a service to my country, nor preserve my reputation. The only course left for me is an imperious one; I hesitate not to adopt it. If the letters of General Wilkinson have been authorised by the government, and the nature of command thus changed, that course is to take leave of the service. In which case this letter will be considered as my definite resignation; and I ask from the President, through your department, my immediate discharge from the army.

I am, Sir, very respectfully,

Your obedient servant,

W. HAMPTON.

Hon. John Armstrong, Secretary of War.

No. XXVII.

SECRETARY OF WAR TO GENERAL WILKINSON.

War Department, Sackett's Harbour, Sept. 6th, 1813.

Dear General.—I arrived here yesterday; nothing new, excepting that Prevost has returned to Kingston. General Hampton will go through the campaign cordially and vigorously, but will resign at the end of it. He will be ready to move by the 20th, with an effective regular force of 4,000, and militia detachment of 1,500. On the supposition that Sir George had decidedly taken his post, and had chosen the peninsula as his champ de bataille; I had ordered Hampton to move immediately against the Isle aux Noix. 2,000 Militia will be promptly assembled at Champlain, 24 miles from this place and on the route to the St. Lawrence, the place was selected as offering *two* objects, and of course leaving his knightship to guess. To have pushed them directly to Ogdensburgh, would not have had that advantage. A larger draft would have been difficult. Another view of the subject is, that this part of the plan cannot be confided to militia exclusively; *they must be propped by a regular corps, otherwise the back door may not be sufficiently* closed and barred.

The battle on the lake! Shall we have one? If Yeo fights, and is beaten, all will be well. If he does not fight the result may also be favourable.

Yours cordially,

JOHN ARMSTRONG.

General Wilkinson.

No. XXXVIII.

GENERAL WILKINSON TO THE SECRETARY OF WAR.

Grenadier Island, Nov. 3d, 7 o'clock, A. M. 1813.

Dear Sir.—I have received two letters from you of the 30th ult. one dated at Denmark, and the other without mention of place. I have not seen or heard of such.

The troops and squadron are at last in the river, excepting Macomb's regiment, with which I shall join them by 10 o'clock, as the weather is propitious. Extreme illness, and the arrival of Colonel Randolph with 230 men kept me here last evening. We shall be encamped at French Creek to night; will take to-morrow for final organization and arrangement, and the next day either pass or prepare to take Prescott. By preference I shall not disturb the place, because I have not time to spare.

You desire me to notify Hampton of the point of junction. I have written you on that subject, and as he has treated my authority with contempt, and has acted exclusively under your orders, I wish this information could come from you, that I may be saved the hazard of a second insult, for I need not say to you, who have seen service, what an outrage it is on the sensibilities of a soldier, and how radically destructive to military enterprise, for a subordinate to resist or neglect the orders of a superior. You may however believe that in

this case my feelings shall be silenced, and that I will humiliate myself to make the most of this pretender.

With much respect and esteem, I have the honour to be, &c.

JA. WILKINSON.

Hon. John Armstrong, Secretary of War.

P. S. I pray you to send me the following appointments as soon as you can; Ninian Pinkney, adjutant-general; Captain Robert G. Hite and Captain John Biddle, assistants. The duties of the office cannot be discharged, without these assistants, in a corps of ten thousand regulars.

J. W.

No. XXXIX.

MAJOR LEE'S LETTER.

New York, 22d December, 1813.

My Dear General.—On the 13th of this month I wrote to you, and stated, that I had been from the 2d instant until that date, detained here by the expectation of seeing the secretary of war every hour. He arrived on the evening of the 12th, and on the 13th I had a long and free conversation with him, the substance of which is stated in mine to you, of the 13th. Lest, through the distance between us, and the wild and unfrequented roads that lead to your head quarters, that letter may have miscarried, I think it prudent to repeat in this, that in reply to a question of mine, the secretary said, "he did not expect you to prosecute the expedition against Montreal, without the junction or real co-operation of General Hampton; that your orders, (or rather letter) of the 6th November, was unfortunately loose and ambiguous, and when taken in connexion with your's of the 6th or of a date immediately preceding, to himself (General A.), would be interpreted as intending to give General Hampton discretion, both as to the point of junction and the mode of co-operation. But (he continued) be that as it may, Hampton, instead of joining Wilkinson at St. Regis, or of co-operating by penetrating to Chamblois (the place he named I believe) or to any other point, by the possession of which he could have forced the enemy to hold on the right bank of the St. Lawrence a strong detachment of his troops for the protection of Montreal, on that side, upon the receipt of Wilkinson's order of the 6th, withdrew his force from the sphere of hostility, abandoned his provisions, and when his men were described by himself, as worn out by toilsome and comfortless marches, retired by a route less practicable and more extended than the one which led to St. Regis; and occupied such a position as rendered all co-operation impossible." In short, he said enough to convince me, that he thought Hampton had behaved with absurdity and disobedience, ignorance and obstinacy. I stated to the secretary of war, that Hampton had informed both Colonel Randolph and myself, that it had been agreed between himself and the secretary, that your command of H. should be merely nominal; and that for the purpose of bringing about and justifying this anamoly in military service, the secretary's visit to the frontiers had been mainly intended; as then it was seen that he would be at hand, with the right to issue any order he might think proper; and might in this way relieve you from the

necessity of giving any orders to Hampton, by anticipating them. In answer to this, the secretary merely affirmed that no such stipulations or understanding had ever been offered or effected, to his knowledge. That he merely remembered to have observed, by way of removing his uneasiness on the subject, and rendering his command more agreeable, that you would not interfere with the interior arrangement or organization of his corps. He then adverted with great delicacy, and with much apparent concern, to the unhappy and unexpected effect produced by his visit to the frontiers, and his residence near your head quarters. To remove obstacles; to advance, to further, to assist, to facilitate your operations, by the contiguity of his department, and the consequent increase in vigour and rapidity of its influence, he declared to have been his sole and most earnest intentions. He was not less chagrined, than surprised (he said) to perceive, but too many evidences on your part, of distrust, uneasiness, and highly excited sensibility, at every approach, presence or action of his official character. These he attributed partly to your sickness, so cruel and inveterate, and partly to the malicious stirring and exasperation of persons, who called themselves your friends. Yet this, he said, had, and might have continued to render his efforts worse than futile; compelled thus—disappointed—he removed from your neighbourhood sooner than he wished, or had contemplated. In this tone, and almost in these words he spoke of you; and remarked that the heavens, rather than the strong holds and prowess of the enemy, had, before the defection of Hampton, foiled or defeated our enterprise; that the storms of October were our conquerors; and that to them it was not disgraceful to yield. He left me with the agreeable conviction that he was a man of sterling honour; of fortitude and integrity; and that he was satisfied with your conduct, and friendly to your person. Yet he did remark, what appears very plausible, that there never was a maxim better founded in reason, and more consistent with the practice and experience of great captains, than this, "whenever an enemy's force in your rear is so strong (and no stronger) as to retard, impede, or annoy your march, it becomes your duty that moment to destroy or disperse it;" and said that the British force from Prescott, which attacked us at Chrystler's, should have been taken, scattered, or crushed.

The preceding is a true extract from the original letter from myself to General James Wilkinson, attested by me before the general court martial at Troy.

Troy, 17th March, 1815.

H. LEE, Jun.

No. XL.

SECRETARY OF WAR TO GENERAL WILKINSON.

War Dept. Denmark, Oct. 30th, 9 o'clock P. M.

Dear General.—I this moment received your despatch by Captain Nourse. I rejoice that your difficulties are so far surmounted, as to enable you to say, with assurance, when you will pass Prescott. I should have met you there; but bad roads, worse weather, and a considerable degree of illness, admonished me against receding further from a point, where my engagements call me

about the 1st proximo. The resolution of treading back my steps was taken at Antwerp, and communicated in a letter from that place, by Major Lynch. I wrote a single line to you to-day, giving the fortunate issue of Harrison's business, and his arrival at Fort George with M'Arthur's brigade. If Vincent be within the peninsula, Harrison will rout him out. It remains with you to sweep the rest of the line before you. Montreal taken, what are Prescott and Kingston ? Give Hampton timely notice of your approach, and of the place and hour of junction.

Yours sincerely,

JOHN ARMSTRONG.

Major-general Wilkinson.

No. XLI.

SECRETARY OF WAR TO GENERAL WILKINSON.

Dear General.—I received your letter by Mr. Lush: the alarm of the enemy is general along his whole line, at every point of which he is weak. Three days ago he called out a regiment of militia, which produced but 15 men, 14 of whom deserted during the first night of their service. One of these men is now here.

Should my fever continue, I shall not be able to approach you as I had intended; in this case, write to me by duplicates; one copy put upon this route to follow and to find me; the other to take the nearest route to Washington. Again adieu! All kinds of prosperity attend you.

Yours,

JOHN ARMSTRONG.

27*th Oct.* 1813.—*Antwerp.*

No. XLII.

DECLARATION OF MAJOR LEE.

I recollect distrinctly that while the army under General Wilkinson was at Barnhart's in Upper Canada, in November, 1813, General Wilkinson told me he intended to resign the command to General Hampton, had the latter with his division joined us, as was expected. I rememember that General W. mentioned to me the same intention before, but at what place, or on what day, I cannot remember. To the truth of the above, I testify on honour.

H. LEE, Jun. *Major* 36*th Inf.*

Troy, 14*th March,* 1815.

No. XLIII.

GENERAL WILKINSON TO THE SECRETARY OF WAR.

Head Quarters, Malone, Military Dictrict No. 9, 7th Dec. 1813.

Sir.—I send, with our positions at the French Mills, a plan of the Isle aux Noix, with the fortifications, projected from the information of a deserter who left that post last July, where he had been employed 18 months, as an artificer. The fellow appears intelligent, and if to be relied on, the capture of the place might be easily accomplished in the course of the winter from Plattsburg. The operation would require but a few days, and we should have only to guard against the attempts of the enemy to recover it, from St. John's, Chamblee and the neighbouring posts. Colonel Swift is all alive on this subject; I submit it to you for consideration. Repose and retirement from incessant avocations of duty, has become absolutely necessary to the restoration of my health, and the re-establishment of my constitution. I am willing to die at my post, but not when unable to draw my sword. I will therefore beg leave to remove my quarters to Albany, as soon as our posts are secured, and order, subordination, and responsibility are established in the various branches of the service; leaving Brigadier-general Izard in the chief command, and giving him the Four Corners for his station.

Albany, independent of personal considerations, is the proper point for winter quarters of the officer commanding this district, to superintend and press the recruiting service, to embody the recruits, to have them clothed, armed, organized and instructed in the essential duties of police and personal cleanliness, and in the use of their firelocks and legs; to collect and transmit to the war department, returns and reports from the wide extended posts from Burlington to Fort George; to see the clothing, tools, implements, and munitions of war properly distributed, and sent forward to their respective destinations in season. In short, to have whatever may be deemed necessary to the ensuing campaign in readiness for operation on the opening of the spring, at the point or points of proposed operation. I beg to hear from you as soon as possible, and have the honour to be, &c. &c.

JA. WILKINSON.

The Hon. John Armstrong, Secretary of War.

No. XLIV.

REQUISITION TO CONTRACTOR'S AGENT.

Head Quarters, French Mills, Nov. 16th, 1813.

Sir.—You will be pleased, on the receipt hereof, to deposit at this place, with the utmost expedition, thirty day's complete rations for 5,500 men, the whole to be sound and merchantable. As the accommodation of the troops will de-

pend essentially on your compliance with this requisition, I shall rely on your punctuality, and am with consideration and respect, Sir,

Your obedient humble servant,

JA. WILKINSON.

James Thorne, Army Contractor.

Head Quarters, Military District No. 9, Malone, Dec. 1st, 1813.

Sir.—On the receipt hereof, you are without fail, and with the utmost expedition, to deposit at the French Mills, sixty day's complete rations for 5,000 men, exclusive of the requisition of the 16th ultimo, made to your agent, James Thorne, esq.—This provision must be sound and merchantable, and at least one third of the meat part of the ration must consist of salted pork; and as soap and vinegar are indispensable to the health, cleanliness and comfort of the troops, these articles cannot be dispensed with.

Respectfully yours,

JA. WILKINSON.

N. B. And in like manner and in strict conformity to the requisition herein contained, in all its qualifications, you are to deposit at Chateaugay, Four Corners, sixty day's complete rations for 1,500 men.

J. W.

The Contractor for Army Provisions, or his Agent, at Plattsburgh.

No. XLV.

SECRETARY OF WAR TO THE ARMY CONTRACTOR.

War Department, Dec. 2d, 1813.

Sir.—You will make deposits of provisions at the following places, viz. White Hall, Vergennes, and Plattsburgh, on Lake Champlain; and at Sackett's Harbour, Falls of Oswego, Oswego village, and the forts George and Niagara on or near Lake Ontario.

On Lake Ontario the troops to be supplied will amount to 6 or 8,000 men. Orders have been given to collect at Plattsburgh all the provisions now in deposit at other points on Lake Champlain; from these you will issue agreeably to the orders of General Dearborn of the 4th of April 1813.

Peter Sailly esq. of Plattsburg, will be invited to take charge of the stores at that place, and to appoint subordinate agents for the same purpose at such other places on or near Lake Champlain, Chateaugay, or French Mills, as the service may require. These and all other storekeepers, will furnish vouchers for the deposits already made. The quarter-master general will have orders to facilitate transportation, and in cases in which you transport, to leave the means employed by you undisturbed.

I am, &c.

J. ARMSTRONG.

No. XLVI.

LAW RESPECTING AUTHORITY TO HOLD COURTS MARTIAL.

Article 65.—Any general officer commanding an army, or Colonel commanding a separate department, may appoint courts martial whenever necessary, &c.

No. XLVII.

SECRETARY'S ORDER RESPECTING MEDICAL STAFF.

Sir.—I forward the following order for your government.

Most respectfully your obedient servant,

(Signed) FRANCIS LE BARON, *U. S. Apoth. Gen.*

Dr. Wm. M. Ross, U. S. Hosp. Surg.
French Mills, on Salmon River, N. Y.

"No requisition made by any hospital, garrison or regimental surgeon, for medicines, surgical instruments, or hospital stores, on the apothecary-general or his deputy, shall be complied with, unless such requisition be accompanied by a report of the sick and wounded for the time being, under a charge of the requirer, and a statement of the period for which the supply is demanded, copies of which shall be transmitted quarterly to the war office.

War Dep. 26th Nov. 1813.

(Signed) JOHN ARMSTRONG."

Apothecary General's Office, Albany, Nov. 27, 1813.

A true copy from the original.

(Signed FRANCIS LE BARON, *U. S. Apoth. Gen.*

No. XLVIII.

GENERAL WILKINSON'S LETTERS OF THE 7th, 16th, AND 18th OF JANUARY, 1814.

[Confidential.] *Malone, Friday morning, Jan. 7th,* 1814.

Sir.—The mail route by Burlington has become dilatory and uncertain, I, therefore, send this to Utica by express, to advise you that we are still safe from the enemy, and I understand snug against the weather, but our troops die at the French Mill, owing, as all ranks avow, to the bad quality of the flour, medicines and hospital stores.

This circumstance and the precarious dependence to be placed in the contractor, apparent from his own letter, recently received, although it manifests a very commendable zeal and much anxiety for the interests of the service,

and the silence of his agent, Mr. Thorne, who left this place the 21st ultimo, for the country about Utica, expressly to provide a prompt supply of flour, have compelled me, most reluctantly indeed, to order the deputy quarter-master, Major Brown, his principal being absent, to remedy the defect, with all possible expedition; the troops at the French Mills being reduced to about seven day's returns, and those at Chateaugay to less than three, the restraints and cautions imposed on this purchase will prevent any interference with the measures of the contractors, and the flour which may be purchased will be delivered to them for issue.

My personal feelings, which have not been at ease under the obloquy I have suffered from the malconduct of others, are silenced by the unlooked-for results of Major-general Harrison's campaign and the catastrophe at Niagara; to counteract as far as I can the effects of our disappointments and misfortunes, I contemplate to give the enemy near me a "contre coup," which shall reach to the bone, but the accomplishment of my views will depend on the following contingencies, viz.

1st.—The co-operation of Governor Tompkins, with a mere shew of militia, to cover Sackett's Harbour, which I do not consider in danger, to enable me to draw eight hundred or a thousand men from that place.

2d.—The adherence of the enemy to their present occupancies.

3d.—The increased health of our troops.

4th.—The accumulation of a competent stock of sound flour.

5th.—The procurement of the means of protection to the ears, fingers and feet of the men, without which they cannot operate under the frosts of the climate, and

6th.—The depth of snow which may fall.

I think the provisions depending on myself and those I command, may, with our support, be seasonably accomplished; I have no reason to believe the enemy will materially change his ground; I shall either steal an interview with Governor Tompkins, or send to him a citizen of his confidence; and as to the elements, which at present are entirely favourable, we must rest on Providence.

And now permit me briefly to submit my project to you, for your consideration and opinion, which I beg to receive with as little delay as possible. I propose to march on the 3d or 4th of the next month, a column of two thousand men from Chateaugay and the same from Plattsburgh, with the appropriate attirail, and the necessary sleighs for transport; the first to move by the route of General Hampton to sweep the enemy to the St. Lawrence, then to turn to the right and march for St. Pierre, while the second will march by the route of Hemmersford and La Tortue to form a junction at St. Pierre, from which point the united corps will proceed against the posts of St. Philip, L'Acadie and St. John, and having beaten, routed or captured the detachment at these defenceless cantonments, shall be governed by circumstances, whether to occupy their quarters and hold the country, and reduce the Isle aux Noix, or return to our cantonments.

Simultaneous with these movements, four thousand men from the French Mills will cross the St. Lawrence, attack Cornwall, capture or rout the corps of the enemy's regular troops in that vicinity, disperse the militia, fortify and hold possession of the village, and then effectually cut off the intercourse between the two provinces.

To secure a favourable issue to these enterprises without much loss of

blood, the demonstrations heretofore made of fear and alarm on our part will be continued, by more than the ordinary means of military deception, in which you may be able to assist me powerfully through the medium of the prints, known to be friendly to the war; the recent alarm at Plattsburgh, of which I have made much, has enabled me to bring on the cavalry and other troops from Burlington capable of hardy service, without exciting the smallest suspicion on the part of the enemy, and the defences projected and put up at our three posts, the caution, vigilance and extensive excursions of our out-lying patroles and scouts, and the deception of his spies and impositions of my own, it is believed may continue the enemy in the security they appear to indulge; in fine we shall march in force to justify the most favourable expectations, and in case of disappointment shall have the same ground to retire upon, over which we had advanced from our fortified cantonment, where we shall have guards, and where in any extremity we shall be able to defend ourselves, against any force the enemy can at present command.

Should the double operation proposed be deemed too hazardous, then will you be pleased to point out that which may be preferred; either to take possession at Cornwall, or to break up the posts and cantonments in our front; we are certainly competent to either, and I am desirous the troops under my command, should not eat the bread of idleness.

Waterford, Sunday morning, Jan. 16th, 1814.

Sir.—I left Chateaugay the 10th, and arrived here this morning, having been detained a day and a half at Plattsburgh; on my route I fell in with Mr. Anderson, the contractor, whose prospects of a supply of flour from the borders of Lake Champlain and this quarter of the country are so faint, that we must, until the opening of spring, depend for that article on the western parts of this state, not only for the posts of the French Mills and Chateaugay, but I fear in some measure, for that of Plattsburgh also. Our distance from the settlement of Black River, the Oswego and Mohawk, to which we are to look for support, combined with other causes depending on the season, leave us no expectation of being able to accumulate such magazines, as may justify our taking post within the territory of the enemy as heretofore proposed; indeed my personal observations and enquiries made on the road I have travelled, and reports just received by General Swartwout of our prospects from the westward, justify the apprehensions that we shall be barely able to subsist the troops from day to day.

In this situation, instead of advancing on the enemy, we are in danger of being compelled to retrogade for subsistence, and as it would almost destroy the troops to erect second cantonments at this inclement season, with the approbation of government, I will endeavour to find quarters for them in Prescott and Kingston, which I consider practicable to a corps of hardihood and resolution, aided by the facility of movement to be derived from sleds.

Charge me not with caprice for thus suddenly varying my plan of operations, since it is caused by posterior information, which presents an insuperable obstacle to the execution of the project submitted in my despatch of the 7th instant. The object now presented, had not escaped my mind, but it was opposed by my repugnance to give ground to the enemy and to sacrifice our

boats, the infallible consequence of its execution. Reduce Prescott and Kingston, and the occupancy and maintenance of those posts would be secured by our proximity to our own resources and our distance from those of the enemy.

You are sensible that I dare not enter upon this expedition without permission, and also that the lapse of the season, renders a prompt decision necessary on the part of the executive; I shall therefore expect your answer as soon as may be convenient, and in the mean time will put the troops in the best condition, for the enterprise, my means may permit.

Should the President sanction the plan now proposed, I shall remove the sick, the convalescent and every article of useless baggage, together with the artillery and munitions of war, for which I shall have no occasion, to Plattsburgh; shall destroy our boats and break up the cantonments at the French Mills and Chateaugay; and whilst I keep the enemy in expectation that these precautions are preparatory to the attack of their posts and cantonments in my vicinity, I shall detach a thousand selected men, to steal a march and take Prescott by surprise or storm, whither I shall follow that detachment, with the main body, a few hours after it marches, and having every thing in readiness for the movement, by its rapidity, and the feints of some light parties, I shall prevent the enemy from penetrating my real design, until I have gained my first point.

Examining the abstract of our forces, which accompanies this letter, you will perceive a very considerable part of it reported "sick in quarters," but of these we are to calculate on three-fourths being competent to any stationary service with arms, and amongst them one-third of the whole number, for any duty of a soldier; I therefore think I shall be able to march five thousand, five hundred men, which, with the co-operation of the corps at Sackett's Harbour, will I expect give us a force of seven thousand five hundred non-commissioned officers and privates, to which, if necessary, I hope Governor Tompkins (whom I shall see to-morrow) may consent to add two thousand volunteers or militia.

The blow which I desire to give warrants great sufferings, much hardship and continual hazard; because if successful we shall destroy the squadron of the enemy at Kingston, kill and capture eventually four thousand of his best troops, recover what we have lost, save much blood and treasure to the nation, and conquer a province.

I anticipate the difficulties in my way, and know that disease, tempests and snow storms may forbid the attempt and baffle all my hopes; but I remember what General Montgomery accomplished under circumstances more unfavourable, and we may reasonably expect the elements will not always be unpropitious.

Waterford, Jan. 18th, 1814.

Sir.—I transmit you under cover a list of the sergeants, who by your express authority have been nominated to ensigncies; most of these persons have been engaged with the enemy, and displayed courage and conduct; the whole of them will, in my judgment, be an acquisition to the service, and this is unquestionably the most just and profitable mode of filling up the vacant grades of commissioned officers.

I have heard by accident that Brigadier-general Brown and Colonel Ripley have applied to you to disapprove my acceptance of the commission of a sur-

geon's mate, whose conversation and address established a rightful claim to a discharge which he solicited. This act, Sir, is in the face of a general order, it is subversive of subordination, is seditious in its nature, and tends to enfeeble the necessary authority of the commander, which from a combination of causes had been previously too much impaired; I therefore, Sir, look to you with confidence for the reprehension of this outrage on the principles and obligations attached to service, and I am, very respectfully, Sir,

Your obedient servant.

No. XLIX.

SECRETARY OF WAR'S ORDER OF 20th JANUARY.

War Department, Jan. 20th, 1814.

Sir.—I have the orders of the President to inform you, that under a full consideration of your present position on Salmon river, in relation as well to present safety as to future operations, it is his direction, that you abandon that position, and that after detaching General Brown with two thousand men and a competent proportion of your field and battering cannon, to Sackett's Harbour, you will fall back with the residue of your force, stores and baggage, &c. to Plattsburgh. Means should be immediately taken, to cover the men in huts or barracks; and to promote this object, orders will be directly sent from this office to the officers commanding at Plattsburgh and Sackett's Harbour, to put into activity, by hired labour and fatigue duty, all the resources within their respective commands. This will not, however, supercede any auxiliary measures or orders, going to the same object, which your judgment and experience may suggest.

The sick and wounded of the army should be sent to Burlington.

I have the honour to be, very respectfully,

Sir, your most obedient servant,

(Signed) JOHN ARMSTRONG.

Major-general Wilkinson.

No. L.

SECRETARY OF WAR TO THE INSPECTOR GENERAL.

War Department, 24th March, 1814.

Sir.—The enclosed orders, &c. are sent to you unsealed. After reading them, you will seal them, and deliver them in person to Major-general Wilkinson. You will also give notice to the oldest officer on Lake Champlain, to repair to the ordinary head-quarters, and assume the command of the army, which, by the enclosed orders, will devolve upon him.

I am, Sir, very respectfully,

Your most obedient servant,

(Signed) J. ARMSTRONG.

Colonel Henry Atkinson, Insp. Gen.—Plattsburgh.

No. LI.

SECRETARY OF WAR'S LETTER, 24th MARCH, 1814, RESPECTING COURT OF ENQUIRY.

[See page 371, of vol. III.]

No. LII.

MR. PARKER'S LETTER, 31st NOV. 1814.

Adjt. & Insp. Gen's. Office, Nov. 31*st* 1814.

Sir.—Your letters of the 23d and 25th inst. have been received at this office, and submitted to the secretary of war. He directs that all the officers named in your list of witnesses, be ordered to attend the court, and that the citizens be requested, with assurances of compensation. I shall have the honour to request the secretary of the navy, to order Commodores Chauncey and Macdonough, agreeably to your wishes. Herewith enclosed, you will receive a copy of the order detailing General Porter as a member of the court, in lieu of Major-general Izard, who will remain with the army. A list of witnesses on the part of the government, and a copy of two additional specifications, which were furnished by the late secretary of war, in July last, are also enclosed.

General Smith has left the army on furlough; as soon as his address is known, I shall have the honour to transmit such orders, as the secretary of war may direct. General Smith is also a witness for the government, but to what point I am not advised.

Do me the favour to accept assurances, that I shall cheerfully devote my best attentions, to afford the necessary facilities to your accommodation on this and every other service.

I have the honour to be, Sir, very respectfully,
Your most obedient servant,

(Signed) D. PARKER, *Adjt. & Insp. Gen.*

No. LIII.

SECRETARY OF WAR TO GENERAL WILKINSON.

War Department, Albany, 15*th Nov.* 1813.

Sir.—I have the honour to acknowledge the receipt of your letters of the 1st and 3d inst. from Grenadier Island.

I shall at this place await the result of your pending movements, and hope soon to hear from you.

I am, Sir, very respectfully,
Your most obedient servant,
J. ARMSTRONG.

Major-general Wilkinson, at his Head Quarters.

No. LIV.

SECRETARY OF WAR TO GENERAL HAMPTON.

War Department, 15th Nov. 1813.

Dear General.—Colonel A—'s letter of the 11th inst. causes much solicitude, not for the issue of the battle itself, for that cannot be unfortunate, but for the interruption any partial engagement may give to the main action of the campaign. Had W. descended the St. Lawrence nine miles below Cornwall, he would have been secure from any force pursuing him by land, because at that point, the road ends, and is not again to be found short of the Coteau du Lac.

Colonel A.'s intelligence, particularly after an interview with General W. will decide the character and extent of your operations. If the garrison of Prescott, moving by land with their train of artillery and means of subsistence, &c. &c. have been able to overtake and detain General Wilkinson, as high up the river as Cornwall, it is evident that the movement below, cannot safely be more than a feint.

I am, dear General,
Respectfully and truly yours,
JOHN ARMSTRONG.

Major-general Hampton.

No. LV.

ABSTRACT OF THE FORCE AT FRENCH MILLS.

[See Appendix, No. VII.]

No. LVI.

ORDER TO GENERAL SWARTWOUT, 25th AUGUST.

Head Quarters, Sackett's Harbour, August 25th, 1813.

Sir.—I beg leave to reiterate the verbal orders given you some days since, for mounting the whole of the dragoons with the utmost despatch; an officer or officers of that corps must attend;—your agents to superintend the purchases, and you will be pleased to apply to Major Luckett on the subject.

To my orders on the 22d inst. respecting the providing of water transports, suitable to navigate shoal and rapid streams, I will now add my desire, that it should be made amply sufficient to bear seven thousand men, with their camp equipage, baggage, clothing, and two month's provisions, about twenty battering cannon, and forty field pieces, with their carriages, equipments, and three hundred rounds of ammunition each; together with the stores and attirail of the ordnance, quarter-master's, medical and other departments, essential to the accommodation and effect of such an armament, destined to invade a hostile

country. Of this transport, a sufficient quantity to receive five thousand men, and the appendages and appurtenances herein enumerated, should be held in readiness at Niagara, the 10th of next month, and the residue at this place, by the 15th at farthest.

With much consideration and respect,
I am, Sir, your obedient servant,
JA. WILKINSON.

Brig. Gen. Swartwout, Q. M. General.

No. LVII.

ORDER TO QUARTER-MASTER GENERAL, 22d AUGUST.

[PRIVATE.] *Sackett's Harbour, August 22d,* 1813.—*morning.*

Sir.—Be pleased to have an express ready for Niagara this evening, or in the morning by day. Do not let him know where he is going until mounted, and be prepared by the same conveyance, to lay hold of all the small craft along the coast, to be expedited to Niagara.

Respectfully, your obedient servant,
(Signed) JA. WILKINSON.

Brig. Gen. Swartwout, Q. M. General.

No. LVIII.

GENERAL ORDER OF 10th SEPT.

H. Q. Fort George, Military District No. 9, Sept. 10th, 1813.

The General's health disqualifies him for service; but the national interests demand an extraordinary exertion, and he will withhold nought in his power. Brigadier-general Boyd will continue to exercise the functions of local command, as heretofore, subject to such regulations and provisions as the General may deem salutary to the service. All general fatigues are to cease, and if practicable, ten-fold exertions are to be used in repairing the boats.

Major Pinkney of the 5th regiment of infantry, will be pleased to take upon himself the duties of first aid-de-camp to the commanding general, and in exercising the functions thereof, all orders from him, whether in writing or otherwise, are to be obeyed and respected, as if from the General himself.

The General will give the word; and until the general staff of the army can be assembled, and regularly established, Major Pinkney will be pleased to give utterance to the orders of the General, at such place as he may designate. Orderly hour at 12 o'clock.

By order.
N. PINKNEY, *Major & Aid-de-camp.*

MAJOR BEBEE, *Asst. Adjt. Gen.*

No. LIX.

GENERAL ORDER OF 11th SEPT.

H. Q Military District No 9, *Fort George, Sept.* 11*th*, 1813.

No vessel of any description will be permitted to leave the Niagara river, while the fleets keep the lake, without permission from the commanding general; and the commanding officer of Fort Niagara will be held responsible for the execution of this order.

Lieutenant-colonel Mitchell will make to Colonel Porter a return of all the ordnance, ordnance and military stores, in use and in store at Fort Niagara, immediately.

By order.

N. PINKNEY, *Major & Aid-de-camp.*

MAJOR BEBEE, *Asst. Adjt. Gen.*

No. LX.

GENERAL ORDER OF 12th SEPT.

H. Q. Military District No. 9, *Fort George, Sept.* 12*th*, 1813.

The Inspector-general, with hospital surgeon Bull, and Colonel Scott, will critically inspect and enrol the convalescent officers, non-commissioned officers and privates of the camp and hospitals, and report as soon as possible to the General all of that description, who are able to take care of themselves.

No. LXI.

GENERAL ORDER OF 18th SEPT.

H. Q Military District No. 9, *Fort George, Sept.* 18*th*, 1813.

The troops are to be immediately furnished with their winter clothing complete; the sick of every condition to be included in the drafts; and where a deficiency may occur in one corps, it is to be supplied from the surplus of any other, credit being given to the latter for the supply, and the receiving officer to be held responsible for it; returns to be immediately made to headquarters for counter signature.

No officer is to absent himself from his corps but by permission from the commanding general.

The gentlemen of the army are warned against a too familiar intercourse with the adjacent village, as mischiefs grow out of it which are little understood, and must be prevented.

It is essential to the uniform movement of the troops in battle, that they

should be drilled without music; the accompaniment of the drum and fife must therefore be forborne, until further orders.

The General proposes to look at the troops, at 11 o'clock, on Tuesday the 21st inst., when all fatigues will stop, and he expects to find in the ranks every man capable of bearing arms; the guards to be relieved after the review.

By order.

N. PINKNEY, *Major & Aid-de-camp*

No. LXII.

GENERAL ORDER OF 21st SEPT.

H. Q. Military District No. 9, Fort George, Sept. 21st, 1813.

Preparatory to the depending expedition, each boat is to be furnished with a sloop, two spare oars, a small mast and truck, to receive a sail in proportion to the boat; and each company must be furnished with a mallet, a caulking iron, oakum and pitch, a hand hammer, a gimblet, two or three pounds of nails, and a hand-saw. The assistant deputy quarter-master will supply those articles as far as may be in his power, to the requisitions of the commanding officers of corps and detachments. The gentlemen commanding corps are requested to give any assistance in their power, for the equipment of the boats.

Ensign Justus Ingersoll, of the 23d regiment, has leave of absence for the recovery of his health, and will report himself to the office of the adjutant general of military district No. 9, monthly. Lieutenant A. Bacon, of Captain Little's company of volunteers, has permission to remove from camp to the general hospital at Lewistown.

By order.

N. PINKNEY, *Major & Aid-de-camp.*

No. LXIII.

GENERAL ORDER OF 22d SEPT.

H. Q. Military District No 9, Fort George, Sept. 22d, 1813.

The resignation of Captain John Foster of the 22d infantry, is accepted, and he will be paid and settled with to this date, and dropped from the rolls.

Lieutenant Greer, of the 22d infantry, has leave of absence for the recovery of his health, and will report himself monthly to the office of the adjutant-general of this department, and will join his regiment as soon as his health is restored.

The paymasters of the several corps are, without a moment's hesitation, to discharge the arrearages due to the unfortunate wounded men now under orders for the interior. When there happens to be no paymaster present of the corps to which a wounded man belongs, the paymaster of the next corps in

rank will make the payment, the case being one of those for which no regular arrangement exists.

The gentlemen commanding corps, must equip their batteaux with masts and yards, as the artificers lack time to perform this service.

The General most earnestly exhorts the gentlemen of the army to retrench their baggage and camp furniture to the narrowest possible compass, as the service to which they may soon be exposed, will subject them to great privations for the want of transport.

The General takes command to-morrow, and the assistant adjutant-general will attend head-quarters for orders.

The brigade of New York militia being expected to arrive to-morrow, it is absolutely necessary the gentlemen commanding corps should use every exertion for the depending operations.

By order.

E. BEBEE, *Assistant Adjt. Gen.*

No. LXIV.

GENERAL ORDER OF 24th SEPT.

Head Quarters, Fort George, Sept. 25th, 1813.

All intrenching tools not heretofore delivered, are this day to be delivered to the assistant deputy quarter-master general.

The officers commanding corps or detachments detailed for the impending movement, will be held strictly responsible that description lists to embrace a state of accounts, be furnished every man who may be left behind. Where this essential duty is omitted, the inspector must report especially, for the information of the secretary of war.

The corps and detachments under orders of embarkation, are not to leave a man behind capable of pushing a bayonet.

(Signed) JA. WILKINSON.

No. LXV.

LETTER TO GOVERNOR TOMPKINS RESPECTING MILITIA.

Sackett's Harbour, Aug. 21st, 1813, *Military District No.* 9.

Sir.—The President having conferred on me the chief command of this district, it becomes my duty to apprise your excellency, that to give effect to the operations I contemplate, it is indispensable that a body of 1500 militia should be assembled at Niagara, or its vicinity, with the utmost promptitude possible, organised, officered and proportioned agreeably to the laws and regulations in such case provided.

I expect to leave this post for Fort George the 24th or 25th instant; and the dispositions which the vital interests of the campaign require to be made of this corps at that place, compels me to urge for the assembly of the corps of militia, on or before the 10th of next month. A sixty or ninety days tour will, I trust in heaven, enable me to place your frontier in safety; and therefore I must hope you will pardon this importunity.

On a subject, where every thing depends on secrecy and despatch, I cannot be more explicit by letter; but if General Armstrong be near you, it is in his power to explain to your satisfaction, the motives of this application.

The militia called forth by your late proclamation, if intended to co-operate with the troops under my orders, should not be assembled at their respective rendezvous, before I shall have the honour to communicate to you from Fort George; otherwise the intended co-operation may prove unseasonable and pernicious.

I regret that I had not the pleasure to offer my respects to you on my route; and I will entreat of you to hold this communication in strict reserve.

With unfeigned respect, &c.

JA. WILKINSON.

His Excellency Governor Tompkins—Albany.

No. LXVI.

SECRETARY'S LETTER OF 22d SEPT.

[See Appendix, No. XXXII.]

No. LXVII.

RESPECTING INSUFFICIENCY OF TRANSPORT.

Return of Transports belonging to the Quarter-master's Department, at Sackett's Harbour, August 25th, 1813.

	Complete with sails, &c.
*Gold Hunter, a small schooner, will carry	150 men.
*Neptune, do. do.	80 men.
Union, sloop, do.	70 men.
2 large Durham Boats, 75 each, do.	150 men.
2 small do. 60 do. do.	120 men.
3 large Batteaux, 50 do. do.	150 men.
5 small do. 25 do. do.	125 men.
60 Public horses, one-fourth unserviceable.	
7 Wagons, good.	
41 Sets of harness.	

* *Not now in port.*

No. LXVIII.

SECRETARY'S LETTER OF 31st JAN. 1814.

[See page 187, vol. iii.]

No. LXIX.

GENERAL HAMPTON TO GENERAL ARMSTRONG.

Chateaugay, Nov. 1st, 1813.

Sir.—The object of this letter is to recal your attention to my communications of the 22d and 31st August last, and to add, that events have had no tendency to change my opinion of the destiny intended for me, nor my determination to retire from a service, where I can neither feel security, nor expect honour.

The campaign, I consider substantially at an end. The acceptance of my resignation definitively, or permission to return to the seat of government, so soon as the troops are put into winter quarters, for the purpose of returning the authority of my commission into the hands that conferred it, is what I trust you will not refuse to send me by return of Colonel King.

I have the honour to be, Sir, your obedient servant,

W. HAMPTON.

Hon. General John Armstrong.

A COPY.

JOHN HOLMES, *Aid-de-camp.*

No. LXX.

TESTIMONIALS OF COMMODORE MACDONOUGH.

Interrogatories proposed to Commodore Macdonough, of the Navy of the United States, by consent of the judge advocate and General Wilkinson, to be answered on his honour, and the answers to be read before the general court martial now setting in Troy for the trial of General Wilkinson,—on his defence.

1st.—Are not the letters and copies hereunto attached, the originals written by you to Gen. W.; and copies of the originals received by you from Major-general Wilkinson?

2d.—Did not Major-general W. call on you at the village of Vergennes on the 16th April, 1814, some weeks before your flotilla was equipped for service; and did he not concert some arrangements between Governor Chittenden and yourself, for its defence against any enterprise of the enemy? Did not General W. at the same time propose the erection of a battery at the mouth of Otter Creek, to prevent the enemy from blockading you? Did you not approve of the same,

and did he not transmit directions to Brigadier-general Macomb at Plattsburgh, to send up men, utensils, and an engineer to carry this object into effect? Did you not on the next day, viz. on the 20th day of April, accompany General W. to the mouth of Otter Creek, and with him examine a site proper for a battery; and did you not request of General W. to repeat his observations to Brigadier-general Macomb, respecting the establishment of the said battery; and did not General W. write from that place to General M. agreeably to your desire; and was not the said letter transmitted to Essex by a Mr. Ross, to be by him sent to General Macomb?

3d.—Was not the said battery established in consequence of these arrangements; and did not such establishment beat off the enemy, and thus secure to you a free passage into Lake Champlain?

4th.—But for the establishment of this battery, might not the squadron of the enemy, judiciously disposed before the mouth of Otter Creek, have blocked you up the whole season?

JA. WILKINSON.

Answers of Commodore Macdonough, to the preceding interrogatories of Major-general Wilkinson.

To the 1st interrogatory I answer in the affirmative. The 2d, 3d and 4th interrogatories are also answered in the affirmative.

T. MACDONOUGH.

WITNESS.——ROB. C. NICHOLAS.

Champlain, April 5th, 1814.

Sir.—I consider it proper to inform you, that the squadron of the enemy will be ready to sail in a few days, and that the Saut is open up to Wind Mill Point. The want of cannon has prevented, and still prevents my erecting batteries at Rouse's Point to shut up the Saut; as the enemy will probably enter the lake before you, it is possible he may make a sudden movement with 1,000 or 1,500 men, and by landing, attempt to destroy your vessels in dock. I offer this suggestion merely for your information. Being with much respect,

Sir, your most obedient servant,

JA. WILKINSON.

N. B. You will oblige me by letting me know when you expect to enter the lake.

Commodore Macdonough, Comd'g U. S. Squadron—Lake Champlain.

Sir.—I have just received yours of the 5th inst. I shall launch in 4 or 5 days. The guns for the new vessels have not yet arrived, to my knowledge, this side of Albany, and some have not yet reached New York from Baltimore on their way here. Every exertion shall be used to get my force on the lake; but from the badness of the roads, and consequent detention of the stores, &c. I cannot

reasonably expect to be out before the last of this month. I shall avail myself of your information to direct my attention to the security of the unfinished vessels.

I have the honour to be, &c.

T. MACDONOUGH.

Major-general Wilkinson.

Plattsburgh, April 11th, 1814.

Sir.—I have just received your favour of the 9th instant, and am happy to find you had anticipated my precaution. I left Champlain the 9th, at which time, from the concurrent reports of secret agents, the enemy's brig and other vessels, were manned and equipped for service, a large number of batteaux had been collected at St. Johns and the Isle aux Noix, where the whole regular force of Lower Canada, and a battalion of Glengarians, from the Coteau de Lac, on the St. Lawrence, has been concentrated since my incursion, and a navy officer in a gig came up the Saut daily to examine the state of the ice in the lake, which without an extraordinary change of weather, must give way entirely to-morrow or the next day.

I hope the display of preparations here, at Burlington, and also in your quarter, may deter the enemy from attempting a descent, and confine him to aquatic operations only. In such case you have nothing to apprehend, I presume, but his seizing on the shallops of the lake, loading them with stone, and sinking them at the mouth of the creek to retard your movement; permit me to suggest two precautions to prevent such a design; seize and secure all the vessels along our shores, and plant a heavy battery at the mouth of the creek. I rejoice to hear of Governor Chittenden's promptitude in turning out his yeomanry to your assistance, and Brigadier-general Macomb will co-operate in every practicable mode. If things will permit my absence, I will row up in my gig, and see you and return the same evening. I have a body of men at Chazy and am equipping a battery of flying artillery to wait on the enemy's vessels whenever the roads will permit.

With much consideration and respect, I have the honour to be,

Sir, your obedient servant,

JA. WILKINSON.

Commodore Macdonough, Otter Creek.

Vergennes, April 19th, 1814.

Sir.—Believing in the present situation of your squadron that the greatest danger to be apprehended from the enemy is his blockading you by obstructing the narrow channel, or taking a station with his whole force across the mouth of it; and understanding from Governor Chittenden that it is expedient a chief part of the militia should be permitted to return home; I have recommended to Brigadier-general Macomb, to send you a co-operation force of 500 men, in which case, you may erect a battery at the mouth of the creek, to cover your passage into the lake; but in such case, he will depend on you for artillery. I beg leave to recommend to you to establish with his excellency Governor Chit-

tenden, signals by cannon, for calling forth the militia on the first alarm, who, he informs me, will be held in readiness to turn out at a minute's warning.

I offer these ideas, and this information, from my solicitude for your safety, and the interests of the public service; and with my best wishes,

I have the honour to be, Sir, your obedient servant,

JA. WILKINSON.

Commodore Macdonough, Comd'g. U. S. Squadron—Lake Champlain.

THE END.